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May 29, 1952

## ITEMS IN APPENDIX

17. **ELECTRIFICATION.** Sen. Morse inserted his recent speech made before the Electric Consumers Conference, Washington, D. C., urging development by the Federal Government of this country's power resources (pp. A3485-6).

Rep. Mitchell inserted Paul L. Phillips' address given before the Electric Consumers Conference favoring Government development of power resources (pp. A3493-4).

18. **FOREIGN AID.** Rep. Bonner inserted a newspaper editorial, "Congress Cuts Foreign Aid," which concludes that "we are scaling down our volume of aid so as to protect our own economy" (pp. A3487-8).

Speech in the House by Rep. Chipperfield urging reductions in appropriations for the mutual security program including the point 4 program which he felt should be limited to its original objective of giving technical assistance to backward countries (pp. A3501-2).

19. **TAXATION; EXPENDITURES.** Extension of remarks by Rep. McDonough criticizing high taxes which he claimed restricted purchasing power even for necessities and he inserted Sidney Shalett's article entitled, "How Our Tax Dollars Are Wasted" (pp. A3499-3500).

Rep. Yorty inserted an Adams Business Men's Association (Los Angeles) resolution condemning collection of an anticipated \$2 billion in taxes by the Federal Government in Southern California during 1952 as "excessive, unjust, and unnecessary extravagance and waste" and Rep. Yorty's reply thereto (p. A3502).

20. **POTATO MARKETING.** Rep. Bender inserted a Packer article describing the hectic conditions in the Kern County, California potato market and which states the record demand is due to the national shortage plus pre-season contracts further restricting supply an estimated 75%. June potato acreage is reported selling at \$575 per acre, an extremely high figure. (pp. A3513-4.)

21. **IMMIGRATION.** Sen. Lehman inserted an America article, "How To Amend The McCarran Bill," criticizing the Walter-McCarran immigration bills (pp. A3514-5).

## BILLS INTRODUCED

22. **TOBACCO.** S. 3259, by Sen. Ellender, relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended; to Agriculture and Forestry Committee (p. 6295). Sen. Ellender inserted Secretary Brannan's letter transmitting draft of the proposed bill and recommending its enactment (pp. 6350-1).

23. **LEGISLATIVE ORGANIZATION.** S. Res. 325, by Sen. Case, proposing changes in the size of certain Senate standing committees (p. 6299).

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**COMMITTEE HEARING ANNOUNCEMENTS** for June 2: Immigration of 300,000 refugees, H. Judiciary. Reclamation project in Alaska, H. Interior. Fair-trade laws, S. Interstate and Foreign Commerce. State, Justice, and Commerce appropriation bill, S. Appropriations (ex.). Amortization of emergency facilities, H. Ways and Means.

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For supplemental information and copies of legislative material referred to, call Ext. 4654, or send to Room 105-A.

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## UNITED STATES DEPARTMENT OF AGRICULTURE

## Senate Committee Bill, 1953, Compared with House Bill, 1953

(Note,--Figures in brackets [] not included in totals; 1952 figures include all supplemental appropriations to date and are adjusted for comparability with the appropriation structure proposed in the 1953 Senate Committee Bill.)

| Bureau or Item                                                                                                 | Appropriations and:<br>Loan Authoriza-<br>tions, Including<br>Estimated Pay<br>Adjustment<br>Supplementals,<br>1952 | Budget<br>Estimates,<br>1953 | House<br>Bill,<br>1953 | Senate<br>Committee<br>Bill, 1953 | Increase (+), or<br>Decrease (-),<br>Senate<br>Committee<br>Bill Compared<br>with<br>House Bill |
|----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------|-----------------------------------|-------------------------------------------------------------------------------------------------|
| ANNUAL APPROPRIATIONS FOR                                                                                      |                                                                                                                     |                              |                        |                                   |                                                                                                 |
| REGULAR ACTIVITIES:                                                                                            |                                                                                                                     |                              |                        |                                   |                                                                                                 |
| Production and Marketing Admin-<br>istration:                                                                  |                                                                                                                     |                              |                        |                                   |                                                                                                 |
| Conservation and use of agri-<br>cultural land resources . . .                                                 | \$260,000,000:                                                                                                      | \$256,500,000:               | \$250,000,000:         | \$251,754,142:                    | +\$1,754,142                                                                                    |
| Farm land restoration in<br>flood-stricken areas . . .                                                         | a/ 30,980,000:                                                                                                      | - -:                         | - -:                   | - -:                              | - -                                                                                             |
| Agricultural production<br>programs . . . . .                                                                  | 10,000,000:                                                                                                         | 15,000,000:                  | 10,000,000:            | 10,000,000:                       | - -                                                                                             |
| Sugar Act Program . . . . .                                                                                    | 70,000,000:                                                                                                         | 70,000,000:                  | 65,000,000:            | 65,000,000:                       | - -                                                                                             |
| National school lunch program:                                                                                 | 83,367,491:                                                                                                         | 83,367,491:                  | 83,367,491:            | 83,367,491:                       | - -                                                                                             |
| Marketing services . . . . .                                                                                   | 11,540,000:                                                                                                         | 11,465,000:                  | 11,465,000:            | 11,465,000:                       | - -                                                                                             |
| Total, Production and Mar-<br>keting Administration (ex-<br>cluding Commodity Credit<br>Corporation) . . . . . | 465,887,491:                                                                                                        | 436,332,491:                 | 419,832,491:           | 421,586,633:                      | +1,754,142                                                                                      |
| Soil Conservation Service b/                                                                                   | 57,210,491:                                                                                                         | 60,975,500:                  | 60,445,500:            | 60,845,500:                       | +400,000                                                                                        |
| Emergency channel restoration<br>in flood-stricken areas . . . . .                                             | c/ 7,460,000:                                                                                                       | - -:                         | - -:                   | - -:                              | - -                                                                                             |
| Federal Crop Insurance Corpora-<br>tion . . . . .                                                              | 7,949,911:                                                                                                          | 9,100,000:                   | 8,500,000:             | 8,500,000:                        | - -                                                                                             |
| Farmers' Home Administration:<br>salaries and expenses . . . . .                                               | 29,570,000:                                                                                                         | 29,350,000:                  | 29,350,000:            | 29,350,000:                       | - -                                                                                             |
| Disaster loan revolving fund<br>(flood relief and rehabilita-<br>tion) . . . . .                               | 30,000,000:                                                                                                         | - -:                         | - -:                   | - -:                              | - -                                                                                             |

# S. 3259

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## IN THE SENATE OF THE UNITED STATES

MAY 29 (legislative day, MAY 28), 1952

MR. ELLENDER (by request) introduced the following bill; which was read twice  
and referred to the Committee on Agriculture and Forestry

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## A BILL

Relating to burley tobacco farm acreage allotments under the  
Agricultural Adjustment Act of 1938, as amended.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That, notwithstanding any other provision of law, the farm  
4       acreage allotment for burley tobacco for any year shall  
5       not be less than the smallest of (1) the allotment established  
6       for the farm for the immediately preceding year, (2) five-  
7       tenths of an acre, or (3) 25 per centum of the cropland.  
8       The additional acreage required under this Act shall be in  
9       addition to the State acreage allotments and the produc-  
10      tion on such acreage shall be in addition to the national mar-  
11      keting quota. This provision shall be effective for the 1953  
12      and subsequent crops.



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# A BILL

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Relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended.

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By Mr. ELLENDER

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MAY 29 (legislative day, MAY 28), 1952  
Read twice and referred to the Committee on  
Agriculture and Forestry

nearly every community. Such Reserve officers would need to lock their offices, but in all probability they would maintain their offices intact, in anticipation of their return. I need not mention to this body the hardship cases that have resulted from the calling in of Reserve officers, especially those who served in World War II. Aside from depriving the communities of much-needed medical and dental services, the financial injustice thus heaped on the Medical Reserve officer is far in excess of that imposed upon any other group or segment of our economy.

Mr. President, in order to assist the distinguished senior Senator from Illinois [Mr. DOUGLAS], I shall take my seat as soon as I have referred briefly to the number of physicians now in the armed services and the rapidity with which numbers of them are leaving the services.

There are 13,181 physicians in the Department of Defense. Nine hundred and seventy-five, or 7 percent, of these officers receive flight pay. That number divided as follows: 605 in the Air Force, 1 in the Army, 369 in the Navy.

These officers receive \$141.59 a month. Only one or two dentists receive flight pay, but the 7 percent receiving flight pay include those receiving paratroop pay.

The total annual flight surgeon's pay is \$1,737,380. The following officers are included in that group: 3 major generals, 10 brigadier generals, 124 colonels, 212 lieutenant colonels, 110 majors, 271 captains, 245 first lieutenants.

As is the case of all other officers, 450 medical officers receive station allowances in overseas areas, to compensate for the excess cost of living in those areas as compared with the cost of living in the United States.

The annual total is \$621,075.

Speaking of the shortage of career medical officers in the Army, we have 4,604 physicians, of whom only 1,682 are career officers, and of whom 3,922 are nonregulars. It will be mentioned perhaps that physicians and dentists receive education at the expense of the Government. I wish to say that only 20 percent of those in the medical and dental services today received all or part of their education at the expense of the Government. From June 30, 1952, to July 1, 1953, the Defense Establishment expects to lose 6,269 physicians, and dental losses will be somewhat in the same percentage.

In the Navy, under the V-12 program, 11,174 medical officers received partial training. Of that number 8,926 have been on active duty. Approximately the same percentage holds true with reference to dentists. The 3,582 officers partially educated under the V-12 program include approximately 2,000 former ASTP students, who have already entered the services and are now approaching the time when they are leaving the service with great regularity. They have been doing so.

Mr. President, at the present time the services are finding it necessary to augment the medical officers by employ-

ing contract physicians, there being 96 physicians so employed.

In addition there are 16 civil-service dentists and 70 medical officers on duty at various installations. These civil-service medical and dental personnel are permanent and will not be replaced at any time in the foreseeable future.

This bill has been reported unanimously by the committee. There were not witnesses appearing against the bill, unless the testimony of the Senator from Illinois would be considered in opposition. But he was specifically testifying against flight pay, overseas pay, and overseas increased allowances to meet costs of living in excess of the cost of living in the United States.

Mention has been and will be made that many of the medical and dental officers receiving the \$100-a-month equalization pay were educated at the expense of the Government.

I have mentioned the number of physicians and dentists who were educated at Government expense, upon whom we had no hold of any kind until the passage of the Physicians and Dentists Draft Act of 1951.

This bill provided for calling and recalling physicians and dentists in priorities, priority 1 being those physicians and dentists educated by the Government and who served less than 90 days, and that group has now been exhausted.

Priority 2 was those dentists and doctors educated at the expense of the Government and having served more than 90 days and less than 21 months, which category is also exhausted.

And many are now being called under category 3, being those who have had no military service since September 16, 1940. In this group physicians and dentists may be drafted up to 50 years of age.

I think, Mr. President, that it is of vital importance to the health and welfare of the men in the service that we pass this legislation which, as I have set out, is only for a 10-month period and which will equalize the situation as between the physician, dentist, and line officers until such time as the so-called Doctor's Draft Act expires, at which time the entire situation will need restudy and survey.

Time is getting short in this session and there is not ample time to conduct extensive hearings and write extensive new legislation before adjournment.

Mr. President, my bill continues the extra pay only until July 1, 1953, when the entire question will again be before the Congress. I am very hopeful that the Senate will see fit to continue this equalizing pay, primarily for the reason that it is so necessary if we want to maintain the standard of medical and dental services to which the men in the service are entitled.

Mr. President, I say, and I think I know from experience, having spent 2 years in the Dental Corps of the Army, and I still hold my reserve commission in that corps, that whether we call this incentive pay or whether we call it extra pay, or whether we call it equalizing pay, above all, Mr. President, I say it is just compensation.

Mr. CAIN. Mr. President, will the Senator yield?

Mr. HUNT. I yield to the Senator from Washington.

Mr. CAIN. I inquire of the distinguished Senator from Wyoming whether his bill covers the small number of medical and dental officers who have not previously been provided with incentive pay.

Mr. HUNT. It does. As I think the Senator from Washington is aware, it is only a very small group, consisting of retired officers, who do not come under the provision of \$100 a month extra, and who have now been called back into active duty. This bill would take care of that small number.

Mr. CAIN. Mr. President, the Senator from Wyoming is making it clear that within recent months there have been a number of medical and dental reserve officers recalled to active duty, who were not provided with the incentive pay which has been a part of the monthly compensation of other doctors and dentists in the military service.

Mr. HUNT. Yes; and that was to a very, very small number. In fact, that was only true in the case of the few who did not volunteer under the so-called Physicians and Dentists Draft Act of 1951.

Mr. CAIN. I merely wanted to be certain that the Senator from Wyoming had cured what has been admitted within the Armed Services Committee to be a serious inequity in the present status.

Mr. HUNT. We attempted to take care of that, I may say to the distinguished Senator.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. HUNT. I am glad to yield to the Senator from Illinois.

Mr. DOUGLAS. Do I correctly understand that the bill of the eminent Senator from Wyoming continues this differential pay for 10 months, and then extends it to the added groups?

Mr. HUNT. That is correct.

Mr. DOUGLAS. Therefore, that while the added costs may apply only to approximately 300 persons, the bill continues payment to some 13,000 who are already enjoying it. Is that correct?

Mr. HUNT. I think I should explain to the Senator from Illinois that this has no bearing on the number of career officers who are now receiving the \$100 a month extra, for it is my understanding, and I am so advised by the services, that those now receiving it would continue to receive it, but those taken into the service after September 2, 1951, or 1952 would not be covered.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. HUNT. I yield to the Senator from Michigan.

Mr. FERGUSON. Mr. President, I rise to suggest that this is not a proper time to take up the bill. I am sure we could not at this particular time obtain a quorum.

The PRESIDING OFFICER. The bill has already been taken up.



Mr. FERGUSON. But it cannot be voted on.

The PRESIDING OFFICER. That would depend upon the pleasure of the Senate.

Mr. FERGUSON. I do not want to suggest the absence of a quorum, but it is certainly no time for action on this bill, when there are but six Senators on the floor. I do not know whether I shall be for or against the bill, but I think we at least ought to be in a position to obtain a quorum. If the Senator from Wyoming desires a vote on the bill at this time, I shall have to suggest the absence of a quorum.

Mr. HUNT. Mr. President, may I inquire of the Senator whether he happened to be on the floor while I was explaining the bill?

Mr. FERGUSON. No, but even though I were for the bill, I would not think it right for the Senate to be considering such a measure at this hour, when there is unfinished business before the Senate to be considered. I do not think it would be appropriate to lay aside the unfinished business and to take up another bill. I feel sure that this is a bill which could be passed on the call of the consent calendar. If it is not, I should have to suggest the absence of a quorum before the taking of a vote.

Mr. HUNT. Mr. President, would the distinguished Senator from Michigan be agreeable to a unanimous-consent agreement being entered into that this measure shall be voted upon on Monday, immediately following the call of the calendar?

Mr. FERGUSON. No, I could not do that, because, while the Senator from Michigan is not going to be out of town and would be able to be here on Monday, there are other Senators who will not be here. On Monday I should have to suggest the absence of a quorum. I would not object to taking it up on Tuesday. I do not want to delay at all the vote on the bill, but I simply feel it is not a proper time to take action upon it. I have no idea as to what cost the bill would involve. I note that it would involve an expenditure of money, for, on page 4, section 3 reads:

Section 1 of this act shall be effective as of October 1, 1949. Appropriations currently available for pay and allowances of members of the uniformed services shall be available for retroactive payments authorized under this act.

Mr. HUNT. I may say to the distinguished Senator from Michigan that, if my memory serves me correctly, I gave the costs involved in the bill in the course of my remarks.

Mr. FERGUSON. The Senator from Michigan has been in an Appropriations Committee meeting, with representatives of the State Department, and has just returned to the floor.

Mr. HUNT. Mr. President, I say to the distinguished Senator from Michigan that I shall not demand a vote this evening, but this is another instance of a condition I have noticed ever since I have been a Member of the Senate. There is always some way whereby the procedure of the Senate can be delayed.

I want to say very frankly to my colleagues that sometimes we operate less effectively than a group of boy scouts would operate. Any State legislature in the United States would make the Senate of the United States look very bad in connection with procedure. I have many times been more than provoked by the absence of Senators from the floor, necessitating the postponement of important measures awaiting their return. I do not think that is good procedure.

Mr. FERGUSON. I could join the Senator in some of his remarks. I do not think they apply to me.

Mr. HUNT. The Senator from Michigan has been on the floor and attending to his business.

Mr. MORSE. Mr. President, I should like to ask the attention of the Senator from Michigan and the Senator from Wyoming for a moment.

The majority leader has already announced the program for Monday, which is a call of the calendar, and, following the call of the calendar, the consideration of certain bills specified in his announcement, the numbers of which I do not at the moment recall.

I should like to suggest to the consideration of the Senator from Wyoming and the Senator from Michigan that if time permits on Monday, after we have concluded the call of the calendar and the consideration of bills included in the announcement of the majority leader, we then proceed with the consideration of the bill which has been discussed by the Senator from Wyoming. All the parliamentary rights of the Members of the Senate will be protected. If some Senator wants to suggest the absence of a quorum, I am sure there will be no difficulty about that.

In view of the fact that we have had this discussion this evening, and it is in the RECORD, it is only fair and equitable that we proceed on Monday with the bill referred to after we have concluded the call of the calendar.

Mr. HUNT. That would be agreeable to me.

The PRESIDING OFFICER. The Chair is advised that the bill in question is one of three to which the majority leader referred as being available to be taken up on Monday afternoon after the call of the calendar.

Mr. FERGUSON. It takes care of itself, then.

Mr. HUNT. That is very agreeable to the Senator from Wyoming.

#### BURLEY TOBACCO FARM ACREAGE ALLOTMENTS

Mr. ELLENDER. Mr. President, earlier in the day I introduced, by request, Senate bill 3259, relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended. I failed to ask in connection with the introduction of the bill that a letter to the Vice President from the Department of Agriculture be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

DEPARTMENT OF AGRICULTURE,  
Washington, D. C., May 22, 1952.

The VICE PRESIDENT,  
United States Senate.

DEAR MR. VICE PRESIDENT: At the invitation of the Department, some of the Senators and Representatives from the burley tobacco producing area met with Department officials recently to discuss problems relating to the burley tobacco marketing quota program. In keeping with the request of Senators and Representatives attending the meeting the Department submits herewith suggested legislation to provide a more uniform, a more equitable, and a sounder economic basis for the establishment of burley tobacco acreage allotments.

The Department is confronted with serious difficulty in establishing allotments under present provisions of law and, in our judgment, these difficulties are such that they may make it virtually impossible to continue operation of the program successfully. The facts cited below will bring out the problem:

1. Public Law 43, Seventy-eighth Congress, approved April 29, 1943 (57 Stat. 69), provides that the burley tobacco acreage allotment which would otherwise be established for any farm having a burley acreage allotment in 1942 shall not be less than one-half acre.

2. Under Public Law 276, Seventy-eighth Congress, approved March 31, 1944 (58 Stat. 136), the allotment for any farm having a burley tobacco acreage allotment in 1943 cannot be less than 1 acre or 25 percent of the cropland, whichever is smaller.

3. Burley allotments are distributed as follows:

(a) Three hundred and four thousand eight hundred and forty-seven farms share 475,000 acres of allotment in 1952, an average of 1.56 acres per farm. Tobacco on many farms is grown by two or more families and the average burley allotment per family is about 1 acre.

(b) One hundred and ninety thousand eight hundred and thirty-six farms have allotments of 1 acre or less and an additional 13,540 farms have allotments of 1.1 acres each in 1952.

(c) The estimated number of farms having Burley allotments of 1 acre or less in 1943 is 95,000.

4. Farms with allotments above 1 acre have had their allotments reduced 32 percent since 1945, while smaller allotments have remained the same or increased.

5. With a normal crop in 1952, Burley allotments in 1953 would need to be reduced by at least 20 percent below 1952 in order to bring supplies in line with demand.

6. If only the allotments above 1 acre are reduced by 20 percent in 1953, the net reduction will be only 13 percent. Any reduction in subsequent years would be even less effective because more allotments would be reduced to 1 acre and, therefore, be protected. Thus, it would become increasingly difficult to maintain supplies in line with demand.

7. The average yield per acre of Burley tobacco in the 5 years 1939-43 was 985 pounds, whereas the average in the 5 years 1947-51 was 1,271 pounds. Thus, sevenths of an acre of Burley tobacco now is equivalent to 1 acre in 1944 from the standpoint of production, and the yield trend is still upward.

Although the Department did not object to Public Law 276 at the time of its enactment as a wartime measure, we have been greatly concerned about its application and have twice before called this to the attention of the Congress. Protection of a farm having an allotment in 1943 through a specific legal minimum (the smaller of 1 acre or 25 percent of the cropland) and denial of that protection to an adjoining farm across the



road or fence, because the allotment for that farm was established in 1944 or 1945, would create misunderstanding and dissension among the growers. Recognizing this, the Department has used permissive provisions of the law to avoid reducing allotments of 1 acre or less which were not specifically protected under Public Law 276. However, in view of the necessity for further adjustment of supplies of burley tobacco and the ever-increasing number of allotments that have not shared in these adjustments, the Department is unable to justify continuation of this protection to allotments of 1 acre or less not protected by Public Law 276. Therefore, unless the law can be amended in time to permit application of the amendment in the establishment of allotments in September and October of this year for the 1953 crop, there will be around 95,000 farms—about one-half of the so-called small allotments—on which the allotments should be reduced in 1953, leaving the other 95,000 farms protected under Public Law 276.

The Department recommends that the law be amended to provide that the farm acreage allotment for burley tobacco for any year shall not be less than the smallest of (1) the allotment established for the farm for the immediately preceding year, (2) five-tenths of an acre, or (3) 25 percent of the cropland in the farm. This amendment would (1) place all small allotments on a uniform basis, (2) bring the over-all job of adjusting supplies in line with demand within sounder and more manageable limitations, and (3) eliminate the virtually impossible administrative burden arising out of record keeping over an indefinite period of years in relation to a specified earlier year.

The enclosed draft of a bill would accomplish the objectives recommended by the Department. The Department urgently recommends that the proposed bill be enacted.

The enactment of this proposed bill would entail no additional administrative expenses.

The Bureau of the Budget advises that from the standpoint of the program of the President, there is no objection to the submission of this recommendation.

Sincerely,

CHARLES F. BRANNAN,  
Secretary.

#### TITLE TO CERTAIN SUBMERGED LANDS—VETO MESSAGE (S. DOC. NO. 139)

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The Chair lays before the Senate a message from the President of the United States. The Chair wants to be sure that this veto message, in which the Chair has very little interest [laughter] is read before the Senate takes a recess this afternoon. The clerk will read the message from the President of the United States.

The message from the President was read, and, with the accompanying joint resolution, ordered to lie on the table, as follows:

#### To the Senate of the United States:

I return herewith, without my approval, Senate Joint Resolution 20, entitled "Joint resolution to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources."

This joint resolution deals with a matter which is of great importance to every person in the United States. I have

studied it very carefully, and have taken into account the views and interests of those who support this legislation, as well as of those who are opposed to it.

I have concluded that I cannot approve this joint resolution, because it would turn over to certain States, as a free gift, very valuable lands and mineral resources of the United States as a whole—that is, of all the people of the country. I do not believe such an action would be in the national interest, and I do not see how any President could fail to oppose it.

The lands and mineral resources in question lie under the open sea off the Pacific, the Gulf, and the Atlantic coasts of our country. Contrary to what has been asserted, this resolution would have no effect whatever on the status of the lands which lie under navigable rivers, lakes, harbors, bays, sounds, and other navigable bodies of water that are inland waters. Neither would it have any effect on the tidelands—that is, the lands along the seashore which are covered at high tide and exposed at low tide. All such lands have long been held by the courts to belong to the States or their grantees, and this resolution would make no change in the situation.

The only lands which would be affected by this resolution extend under the open ocean for some miles seaward from the low-tide mark or from the mouths of harbors, sounds, and other inland waters. What this resolution would do would be to give these lands to the States which happen to border on the ocean.

It has been contended that the joint resolution merely restores to the States property which they owned prior to the 1947 decision of the Supreme Court in the case of United States against California. This argument is entirely erroneous.

Until recent years, little or no attention was paid to the question of who owned these lands under the open sea, since they were for all practical purposes without value. But, about 20 years ago, oil began to be produced in substantial quantities from the submerged lands off the coast of California. Then, for the first time, the legal question of ownership became important and was given serious consideration.

There was uncertainty for a number of years over whether these were State or Federal lands. Even so careful and zealous a guardian of the public interest as the late Secretary of the Interior, Harold Ickes, at first assumed that the undersea lands were owned by the States. When he subsequently made studies of the matter, however, he concluded that the United States had interests in these lands which should be determined by the courts.

Whatever may have been the opinion of various people in the past, the legal controversy has now been finally resolved in the only way such legal questions can be resolved under our Constitution—that is by the courts, in this case by the Supreme Court. It has been resolved by that Court not once but three times. First in 1947, in the case of California, then twice in 1950, in the cases of Louisiana and Texas, the Court held that the submerged lands and mineral resources underlying the open waters of the ocean

off the coast of the United States are lands and resources of the United States, and that the various coastal States, as such, do not have and have never had any title to or property interest in such lands or resources. Texas, of course, before it became a State and while it was an independent republic, had whatever rights then existed in the submerged lands off its coast, but the Supreme Court ruled that any such rights were transferred to the United States under the annexation agreement when Texas entered the Union.

Consequently, the law has now been determined, and it applies uniformly to all coastal States. Lands under the open sea are not owned by the coastal States, but are lands belonging to the United States—that is, they are lands of all the people of the country.

Accordingly, the real question presented by this joint resolution is not who owns the lands in question. That question was settled by the Supreme Court. The real question this resolution raises is: Should the people of the country give an asset belonging to all of them to the States which happen to border on the ocean? This resolution would do just that. Despite all the irrelevant contentions which have been made in favor of this resolution, its real purpose and its sole effect would be to give to a few States undersea lands and mineral resources which belong to the entire Nation.

I cannot agree that this would be a wise or proper way to dispose of these lands and mineral resources of the United States. Instead, I think the resources in these lands under the sea should be developed and used for the benefit of all the people of the country, including those who live in the coastal States.

I would not agree to any proposal that would deprive the people of the coastal States of anything that rightfully belongs to them. By the same token, I cannot be faithless to the duty I have to protect the rights of the people of the other States of the Union.

The resources in the lands under the marginal sea are enormously valuable. About 235,000,000 barrels of oil have already been recovered from the submerged lands affected by this joint resolution—nearly all of it from lands off the coasts of California and Louisiana. The oil fields already discovered in these lands are estimated to hold at least 278,000,000 more barrels of oil. Moreover, it is estimated that more than 2,500,000,000 additional barrels of oil may be discovered in the submerged lands that would be given away off the coasts of California, Texas, and Louisiana alone. In addition to oil and gas, it is altogether possible that other mineral resources of great value will be discovered and developed beneath the ocean bed.

The figures I have cited relate only to the submerged lands which are claimed to be covered by this resolution—that is, the marginal belt of land which the sponsors of the resolution say extends seaward 3 marine leagues—10½ land miles—from the low-tide mark off the coast of Texas and the west coast of



Florida, and 3 nautical miles— $3\frac{1}{2}$  land miles—off all other coastal areas.

The Continental Shelf, which extends in some areas 150 miles or more off the coast of our country, contains additional amounts of oil and other minerals of huge value. One oil well, for example, has already been drilled and is producing about 22 miles off the coast of Louisiana.

While this resolution does not specifically purport to convey lands and resources of the Continental Shelf beyond a marginal belt, the resolution does open the door for the coastal States to come back and assert claims for the mineral resources of the Continental Shelf lying seaward and outside of this area. The intent of the coastal States in this regard has been made clear by actions of the State Legislature of Louisiana, which has enacted legislation claiming to extend the State's boundary 27 miles into the Gulf of Mexico, and of the State Legislature of Texas, which has enacted legislation claiming to extend that State's boundary to the outer limit of the Continental Shelf. Such an action would extend Texas' boundary as much as 130 miles into the Gulf of Mexico.

I see no good reason for the Federal Government to make an outright gift, for the benefit of a few coastal States, of property interests worth billions of dollars—property interests which belong to 155,000,000 people. The vast quantities of oil and gas in the submerged ocean lands belong to the people of all the States. They represent part of a priceless national heritage. This national wealth, like other lands owned by the United States, is held in trust for every citizen of the United States. It should be used for the welfare and security of the Nation as a whole. Its future revenues should be applied to relieve the tax burdens of the people of all the States and not of just a few States.

For these reasons, I cannot concur in donating lands under the open sea to the coastal States, as this resolution would do.

I should like to dispose of some of the arguments which have been made in support of this resolution—arguments which seem to me to be wholly fallacious.

It has been claimed that such legislation as this is necessary to protect the rights of all the States in the lands beneath their navigable inland waters. It has been argued that the decisions of the Supreme Court in the California, Louisiana, and Texas cases have somehow cast doubt on the status of lands under these inland waters. There is no truth in this at all. Nothing in these cases raises the slightest question about the ownership of lands beneath inland waters. A long and unbroken line of Supreme Court decisions, extending back for more than 100 years, holds unequivocally that the States or their grantees own the lands beneath the navigable inland waters within the State boundaries.

Long Island Sound, for example, was determined by the courts to be an inland water many years ago. So were Mobile Bay, and Mississippi Sound, and San Francisco Bay, and Puget Sound. Ches-

apeake and Delaware Bays, and New York and Boston Harbors, are inland waters. The Federal Government neither has nor asserts any right or interest in the lands and resources underlying these or other navigable inland waters within State boundaries. Neither does it have or assert any right or interest in the tidelands, the lands lying between the high- and low-water marks of the tides. All this has been settled conclusively by the courts.

If the Congress wishes to enact legislation confirming the States in the ownership of what is already theirs—that is, the lands and resources under navigable inland waters and the tidelands—I shall, of course, be glad to approve it. But such legislation is completely unnecessary, and bears no relation whatever to the question of what should be done with lands which the States do not now own—that is, the lands under the open sea.

The proponents of this legislation have also asserted that under the Supreme Court rulings the Federal Government may interfere with the rights of the States to control the taking, conservation, and development of fish, shrimp, kelp, and other marine animal or plant life. It is also asserted that the Federal Government may interfere with the rights to filled-in or reclaimed lands, or the rights relating to docks, piers, breakwaters, or other structures built into or over the ocean. I can say simply and categorically that the executive branch of the Government has no intention whatever of undertaking any such thing. If the Congress finds any cause for apprehension in this regard, it can easily settle the matter by appropriate legislation, which I would be very happy to approve. But these assertions provide no excuse for passing legislation to give to a few States—at the expense of the people of all the others—rights they do not now have to very valuable lands and minerals beneath the open sea.

I have considered carefully the arguments that have been advanced to the general effect that—regardless of the decisions of the Supreme Court—the coastal States ought to own the lands beneath the marginal sea. These arguments have been varied and ingenious. I cannot review all of them here. Suffice it to say I have found none of these arguments to be persuasive.

The fact is that the Federal Government, and not the States, obtained the rights to these lands by the action of the Executive, beginning with a letter from Secretary of State Thomas Jefferson in 1793, when he asserted jurisdiction, on behalf of the United States as against all other nations, over the 3-mile belt of ocean seaward of the low-tide mark. Neither then nor at any other time did the Federal Government relinquish any authority over this belt. The rights to this ocean belt, in other words, are and always have been Federal rights, maintained under international law by the national Government on behalf of all the people of the country.

It has been strongly urged upon me that the case of Texas differs from that

of the other coastal States, and that special considerations entitled Texas to submerged lands lying off its coast. I recognize that the situation relating to Texas is unique. Texas was an independent republic for 9 years before she was admitted to the Union, in 1845, "on an equal footing with the existing States." During those 9 years, it had whatever rights then existed in submerged lands off the marginal sea.

Texas entered the Union pursuant to a joint resolution of annexation, enacted by the Congress. Some of the provisions of the annexation resolution are not clear in their meaning as they apply to the present question. Thus, the resolution granted to Texas "all the vacant and unappropriated lands lying within its limits," but at the same time it also required Texas to cede to the United States "all ports and harbors and all other property and means pertaining to the public defense."

The legal question relating to ownership of submerged lands off the coast of Texas may have been different and more difficult than the legal question with respect to California and Louisiana. But the Supreme Court decided that when Texas entered the Union on an equal footing with the other States, thereupon ceasing to be an independent nation, it transferred national external sovereignty to the United States and relinquished any claims it may have had to the lands beneath the sea.

Not only has the Supreme Court ruled upon the difficult legal question, but in enacting Senate Joint Resolution 20 the Congress decided that all the coastal States should be treated in the same manner as Texas. In view of this, it obviously is impossible for me to consider the resolution exclusively from the standpoint of the unique situation relating to Texas.

As to those parts of the Continental Shelf that lie beyond the marginal belt that would be transferred by Senate Joint Resolution 20, the States have no grounds for asserting claims. There can be no claim that these lands lay within the boundaries of any States at the time of their admission to the Union. Neither can there be any claim of an historical understanding that these were State lands. More important, the Nation's rights in those lands, as in the case of the marginal belt, are national rights based upon action taken by the Federal Government.

In 1945, the President issued a proclamation declaring that the natural resources of the subsoil and sea bed of the Continental Shelf beneath the high seas appertain to the United States, and are subject to its jurisdiction and control. This proclamation asserts the interests of the United States in the land and resources under the high seas well beyond the 3-mile belt of territorial sea established in Jefferson's time. This jurisdiction was, of course, asserted on behalf of the United States as a whole, and not just on behalf of the coastal States.

In view of the controversy of the last 15 years or so over the disposition of the







# H. R. 8170

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 1952

Mr. COOLEY introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

Relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended.

1     *Be it enacted by the Senate and House of Representa-*  
2     *tives of the United States of America in Congress assembled,*  
3     That, notwithstanding any other provision of law, the farm  
4     acreage allotment for burley tobacco for any year shall not  
5     be less than the smallest of (1) the allotment established for  
6     the farm for the immediately preceding year, (2) five-  
7     tenths of an acre, or (3) 25 per centum of the cropland.  
8     The additional acreage required under this Act shall be in  
9     addition to the State acreage allotments and the production  
10    on such acreage shall be in addition to the national marketing  
11    quota. This provision shall be effective for the 1953 and  
12    subsequent crops.



82<sup>ND</sup> CONGRESS  
2<sup>ND</sup> Session

**H. R. 8170**

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## **A BILL**

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Relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended.

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By Mr. COOLEY

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JUNE 11, 1952

Referred to the Committee on Agriculture







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued June 30, 1952

For actions of June 27-28, 1952

82nd-2nd, Nos. 114 and 115

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

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**HIGHLIGHTS:** Both Houses agreed to conference report on appropriation bill for foot-and-mouth disease laboratory. House committee reported Bosone small-reclamation projects bill. House committee reported bills to adjust burley tobacco quotas and authorize consolidated insect-research laboratory. Senate overrode veto of immigration bill. Senate committee reported flammable-fabrics bill. Sen. Ken denied Secretary Brannan's charges on voting record. House concurred in Senate amendments to bills on extension-work authorizations, Md. tobacco quotas, and Ft. Robinson land transfer. House passed appropriation bill for foreign aid and defense production activities. Both Houses agreed to conference report on defense production bill. Senate passed Korean GI bill. Senate debated defense appropriation bill.

## HOUSE - June 27

1. **APPROPRIATIONS.** Agreed to the conference report on H. R. 7860, the urgent deficiency appropriation bill for 1952. The conferees agreed to the following proviso, to be added to the item for a foot-and-mouth disease laboratory in lieu of the proviso which had been proposed by the Senate: "at a location to be selected by the Secretary of Agriculture after full hearings of which reasonable public notice shall be given to those who may reside within twenty-five miles from the island selected." (pp. 8440-1.)

Began debate on H. R. 8370, the supplemental appropriation bill for 1953, which includes items for foreign aid and defense-production activities (pp. 8390-431).

House conferees were appointed on H. R. 7176, the Interior appropriation bill (p. 8390). Senate conferees were appointed June 25.

House conferees were appointed on H. R. 7289, the State, Justice, Commerce appropriation bill (p. 8390). Senate conferees were appointed June 26.

2. **RECLAMATION.** The Interior and Insular Affairs Committee reported with amendment H. R. 7084, the Bosone bill to facilitate the development of small reclamation projects (H. Rept. 2328)(p. 8455).

The Interior and Insular Affairs Committee reported with amendment H. R. 6163, to provide the basis for authorization of irrigation works in connection with Chief Joseph Dam, to provide for financial assistance thereto from power revenues, etc. (H. Rept. 2327)(p. 8455).

3. TRANSPORTATION. The Rules Committee reported a resolution for consideration of S. 2357, to make clear that horticultural commodities are included in the provision of the Interstate Commerce Act which exempts the transportation of agricultural commodities from ICC regulation (p. 8432).
4. FLOOD CONTROL. The Rules Committee reported a resolution for consideration of H. R. 7817, to authorize emergency flood-control work made necessary by the recent floods (pp. 8432-3).
5. EMERGENCY POWERS. Passed without amendment H. J. Res. 490, to continue various emergency powers until July 3, 1952, pending enactment of the regular bill on this subject (p. 8440).
6. DEFENSE PRODUCTION. The conference report on S. 2594, to extend and amend the Defense Production Act, was ordered to be printed as H. Rept. 2350 (p. 8456).
7. TOBACCO ALLOTMENTS. The Agriculture Committee reported with amendment H. R. 8170 to reduce the minimum acreage allotments for burley tobacco (H. Rept. 2349)(p. 8456).
8. INSECT RESEARCH. The Agriculture Committee reported with amendment H. R. 7952, to authorize the combination of the Truck Crop Insect Laboratory and the Citrus Insect Laboratory of the Bureau of Entomology and Plant Quarantine, located at Alhambra and Whittier, Calif., respectively, and to provide for new quarters (H. Rept. 2348)(p. 8456).
9. LAND TRANSFERS. The Agriculture Committee reported without amendment S. 2603, to return to Oregon 2 acres of previously donated land for fish-hatchery use (H. Rept. 2347)(p. 8456).  
The Expenditures in the Executive Departments Committee reported without amendment S. 3052, to authorize various property transactions, including transfer to the Navy Department of a tract of land which had previously been used by USDA in connection with an emergency rubber project (H. Rept. 2335)(p. 8455).
10. FARM PROGRAM. Rep. Furcolo commended the accomplishments of the farm program during the last few years (pp. 8444-9).
11. WILDLIFE CONSERVATION. Rep. Staggers urged greater efforts toward conservation of our natural resources, particularly wildlife (pp. 8449-50).

SENATE - June 27

12. IMMIGRATION. By a 57-26 vote, passed over the President's veto H. R. 5678, to revise the immigration and naturalization laws (pp. 8461-76). The bill has now become law.
13. APPROPRIATIONS. Passed with amendments H. R. 7313, the legislative appropriation bill for 1953. Senate conferees were appointed. (pp. 8476-501.)  
The Appropriations Committee reported with amendments H. R. 7391, the Defense Department appropriation bill for 1953 (S. Rept. 1861)(p. 8458).
14. FLAMMABLE FABRICS. The Interstate and Foreign Commerce Committee reported with amendment S. 2918, to prohibit interstate commerce in articles of wearing



## ADJUSTMENT OF BURLEY TOBACCO ALLOTMENTS

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JUNE 27, 1952.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. COOLEY, from the Committee on Agriculture, submitted the following

### REPORT

[To accompany H. R. 8170]

The Committee on Agriculture, to whom was referred the bill (H. R. 8170) relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 1, lines 6 and 7, strike out "five-tenths" and insert in lieu thereof "seven-tenths".

Page 1, line 7, after the word "cropland" change the period to a colon and insert:

*Provided, however,* that no allotment of one acre or less shall be reduced more than one-tenth of an acre in any one year.

### STATEMENT

The purpose of this bill is to equalize among all growers the adjustments which must be made from time to time in the acreage allotments for burley tobacco. The production of this crop is characterized by a large number of very small acreage allotments. At the present time the 475,000 acres of burley-tobacco allotment are divided among 305,847 different farms, an average of only 1.56 acres per farm.

Under the present laws relating to burley-tobacco allotments, some growers are protected against having their allotments reduced below 1 acre, while many other growers have no such protection. Farms without that protection and with allotments of 1 acre or less, have had their allotments reduced 32 percent since 1945, while those whose small allotments are protected have suffered no decrease or have actually had their acreage increased during that same period.

This bill, which was introduced at the request of the Department of Agriculture, will reduce the minimum stated acreage from 1 acre to seven-tenths of an acre and will give all burley growers the benefit of this protection.

#### ADMINISTRATIVE ADJUSTMENTS

During the hearings on the bill it appeared to the committee that some improvement in the burley-tobacco program can be made by administrative adjustments of present rules and regulations of the Department. In reporting this bill favorably in order to improve the program, the committee does so with the expectation that the Department of Agriculture will take such administrative steps as may appear to be desirable. The committee suggests particularly that action be taken with respect to the following two situations:

At the present time, the "tolerance" allowed to a producer in complying with his acreage allotment is ninety-nine one-hundredths of one-tenth of an acre. Several witnesses testified that this is more tolerance than is necessary in the case of allotments as small as those for burley tobacco and results merely in producers in many areas intentionally overplanting their allotments by the allowable tolerance. It is the recommendation of the committee that this tolerance be reduced drastically.

Second, testimony indicated that burley tobacco is being grown in vacant lots in many towns and cities in the burley area. Where such production is actually a part of a larger farming operation, the producer is, of course, entitled to grow his tobacco on any part of his land he may choose. It was the opinion of witnesses, however, that in some instances this "vacant-lot farming" constitutes the entire farming operation of the tobacco producer involved. The committee recommend that the Department review carefully its definitions of eligible farms in order to eliminate from the quota those "vacant lot" producers who may not be eligible for a burley allotment under a strict interpretation of the law.

#### HEARINGS

Two days of hearings were held on the bill and it was supported very generally by representatives of burley-tobacco associations from most parts of the producing area. The National Grange and the Farm Bureau also appeared in favor of the bill with the Grange representative, as did several other witnesses, recommending that the minimum be placed at seven-tenths of 1 acre (as provided in the amended bill) instead of five-tenths of 1 acre, as provided in the bill as originally introduced.

There was some opposition to the bill expressed by two witnesses, but the committee believe that the committee amendments will meet the objections those witnesses had and that they would probably favor the bill as amended and reported by the committee. Several of the witnesses who appeared before the committee will be among those whose acreage will be reduced as a result of this legislation. Nevertheless, they recommended its adoption for the benefit of the burley program as a whole.

## COMMITTEE AMENDMENTS

The committee have changed from five-tenths of an acre to seven-tenths of an acre the acreage minimum provided in the bill. Several witnesses who appeared in favor of the bill as drafted nevertheless suggested that they thought the seven-tenths minimum was preferable. It may be that the minimum may have to be reduced again at some future time, but it was the opinion of several witnesses that, with the administrative improvements suggested in this report, it would be several years before there would be any necessity of again reducing the minimum acreage and thereby broadening the base for any over-all reduction in the burley allotment.

The second amendment will prevent the reduction in any allotment of 1 acre or less of more than one-tenth of an acre in any 1 year. Several witnesses suggested that some such provision against growers with very small allotments being sharply reduced should be included in the bill. The committee believe that with these two amendments the bill will provide for a much more equitable and workable program for burley tobacco.

## DEPARTMENT REPORT

The bill was introduced at the request of the Department of Agriculture and the executive communication from the Secretary of Agriculture suggesting the legislation is appended hereto and made a part of this report.

MAY 22, 1952.

The VICE PRESIDENT,  
*United States Senate.*

DEAR MR. VICE PRESIDENT: At the invitation of the Department, some of the Senators and Representatives from the burley-tobacco-producing area met with Department officials recently to discuss problems relating to the burley tobacco marketing-quota program. In keeping with the request of Senators and Representatives attending the meeting the Department submits herewith suggested legislation to provide a more uniform, a more equitable, and a sounder economic basis for the establishment of burley tobacco acreage allotments.

The Department is confronted with serious difficulty in establishing allotments under present provisions of law and, in our judgment, these difficulties are such that they may make it virtually impossible to continue operation of the program successfully. The facts cited below will bring out the problem:

1. Public Law 43, Seventy-eighth Congress, approved April 29, 1943 (57 Stat. 69), provides that the burley tobacco acreage allotment which would otherwise be established for any farm having a burley acreage allotment in 1942 shall not be less than one-half acre.

2. Under Public Law 276, Seventy-eighth Congress, approved March 31, 1944 (58 Stat. 136), the allotment for any farm having a burley tobacco acreage allotment in 1943 cannot be less than 1 acre or 25 percent of the cropland, whichever is smaller.

3. Burley allotments are distributed as follows:

(a) 304,847 farms share 475,000 acres of allotment in 1952, an average of 1.56 acres per farm. Tobacco on many farms is grown by two or more families and the average burley allotment per family is about 1 acre.

(b) 190,836 farms have allotments of 1 acre or less and an additional 13,540 farms have allotments of 1.1 acres each in 1952.

(c) The estimated number of farms having burley allotments of 1 acre or less in 1943 is 95,000.

4. Farms with allotments above 1 acre have had their allotments reduced 32 percent since 1945, while smaller allotments have remained the same or increased.

5. With a normal crop in 1952, burley allotments in 1953 would need to be reduced by at least 20 percent below 1952 in order to bring supplies in line with demand.



6. If only the allotments above 1 acre are reduced by 20 percent in 1953, the net reduction will be only 13 percent. Any reduction in subsequent years would be even less effective because more allotments would be reduced to 1 acre and, therefore, be protected. Thus, it would become increasingly difficult to maintain supplies in line with demand.

7. The average yield per acre of burley tobacco in the 5 years 1939-43 was 985 pounds, whereas the average in the 5 years 1947-51 was 1,271 pounds. Thus, seven-tenths of an acre of burley tobacco now is equivalent to 1 acre in 1944 from the standpoint of production, and the yield trend is still upward.

Although the Department did not object to Public Law 276 at the time of its enactment as a wartime measure, we have been greatly concerned about its application and have twice before called this to the attention of the Congress. Protection of a farm having an allotment in 1943 through a specific legal minimum (the smaller of 1 acre or 25 percent of the cropland) and denial of that protection to an adjoining farm across the road or fence, because the allotment for that farm was established in 1944 or 1945, would create misunderstanding and dissension among the growers. Recognizing this, the Department has used permissive provisions of the law to avoid reducing allotments of 1 acre or less which were not specifically protected under Public Law 276. However, in view of the necessity for further adjustment of supplies of burley tobacco and the ever-increasing number of allotments that have not shared in these adjustments, the Department is unable to justify continuation of this protection to allotments of 1 acre or less not protected by Public Law 276. Therefore, unless the law can be amended in time to permit application of the amendment in the establishment of allotments in September and October of this year for the 1953 crop, there will be around 95,000 farms—about one-half of the so-called small allotments—on which the allotments should be reduced in 1953, leaving the other 95,000 farms protected under Public Law 276.

The Department recommends that the law be amended to provide that the farm acreage allotment for burley tobacco for any year shall not be less than the smallest of (1) the allotment established for the farm for the immediately preceding year, (2) five-tenths of an acre, or (3) 25 percent of the cropland in the farm. This amendment would (1) place all small allotments on a uniform basis, (2) bring the over-all job of adjusting supplies in line with demand within sounder and more manageable limitations, and (3) eliminate the virtually impossible administrative burden arising out of record keeping over an indefinite period of years in relation to a specified earlier year.

The enclosed draft of a bill would accomplish the objectives recommended by the Department. The Department urgently recommends that the proposed bill be enacted.

The enactment of this proposed bill would entail no additional administrative expenses.

The Bureau of the Budget advises that from the standpoint of the program of the President, there is no objection to the submission of this recommendation.

Sincerely,

CHARLES F. BRANNAN, *Secretary.*

# H. R. 8170

[Report No. 2349]

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 1952

Mr. COOLEY introduced the following bill; which was referred to the Committee on Agriculture

JUNE 27, 1952

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

---

## A BILL

Relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That, notwithstanding any other provision of law, the farm  
4       acreage allotment for burley tobacco for any year shall not  
5       be less than the smallest of (1) the allotment established for  
6       the farm for the immediately preceding year, (2) ~~five-~~  
7       ~~tenths~~ *seven-tenths* of an acre, or (3) 25 per centum of  
8       the cropland: *Provided, however, That no allotment of one*  
9       *acre or less shall be reduced more than one-tenth of an acre*  
10      *in any one year.* The additional acreage required under

1 this Act shall be in addition to the State acreage allotments  
 2 and the production on such acreage shall be in addition to  
 3 the national marketing quota. This provision shall be effec-  
 4 tive for 1953 and subsequent crops.

Union Calendar No. 740

82<sup>ND</sup> CONGRESS  
 2<sup>ND</sup> SESSION

**H. R. 8170**

[Report No. 2349]

## **A BILL**

Relating to burley tobacco farm acreage allot-  
 ments under the Agricultural Adjustment  
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By Mr. COOLEY

JUNE 11, 1952

Referred to the Committee on Agriculture

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Reported with amendments, committed to the Com-  
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# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued July 1, 1952

For actions of June 30, 1952

82nd-2nd, No. 116

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

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**HIGHLIGHTS:** House passed price-support levels bill. House concurred in Senate amendments to sea-water research bill. Ready for President. Conferees agreed to file reports on agricultural and independent-offices appropriation bills. House passed bill reducing minimum allotments on burley tobacco. House passed bill to combine two insect-research stations. House committee reported weather-control study bill.

## HOUSE

- 1. PRICE SUPPORTS.** Passed without amendment H. R. 8122, which would continue dual parity for two additional years (through 1955) and would continue 90%-of-parity price supports on basic commodities for a similar period; by a 207-121 vote (pp. 8690-705). Rejected, 21-67, a Javits amendment to eliminate the dual-parity provision (pp. 8698-9). Rejected, 43-62, a Hays of Ohio amendment to eliminate peanuts from the 90%-loan provision (pp. 8699-704). Rejected, 79-165, a Javits motion to recommit the bill (pp. 8704-5).
- 2. APPROPRIATIONS.** The conferees on H. R. 7314, the agricultural appropriation bill, agreed to file a report thereon (p. D670).  
The conferees on H. R. 7072, the independent offices appropriation bill, agreed to file a second (revised) conference report (p. D670). Earlier in the day Rep. Sheppard was appointed as a substitute conferee for Rep. Gore (p. 8669).  
House conferees were appointed on H. R. 7216, the D. C. appropriation bill; H. R. 7313, the legislative appropriation bill; and H. R. 7268, the Army civil functions appropriation bill (pp. 8667, 8670, 8688). Senate conferees have been appointed on these bills.
- 3. RESEARCH.** Concurred in the Senate amendments to H. R. 6578, to authorize the Interior Department, in cooperation with other public and private agencies, to conduct research and demonstrations on the use of sea water for irrigation, etc. (pp. 8667-9). This bill will now be sent to the President.



The Interstate and Foreign Commerce Committee reported without amendment S. 2225, to provide for a study and evaluation of weather control (H. Rept. 2360) (p. 8713).

The Interstate and Foreign Commerce Committee reported with amendment H. J. Res. 218, to provide for intensified research into the causes, hazards, and effects of air pollution, into methods for its prevention and control and for recovery of critical materials from atmospheric contaminants (H. Rept. 2359) (p. 8713).

Passed as reported H. R. 7952, to authorize the combination of the Truck Crop Insect Laboratory and the Citrus Insect Laboratory of E&PQ at Alhambra and Whittier, Calif. (p. 8674).

4. TOBACCO ALLOTMENTS. Passed as reported H. R. 8170, to permit burley tobacco farm acreage allotments to be reduced to a minimum of 7/10 acre, provided that no allotment of 1 acre or less may be reduced more than 1/10 acre per year (pp. 8674-5).
5. LAND TRANSFER. Passed without amendment S. 2603, to authorize return to Oregon, for fish-hatchery use, a 2-acre tract which had previously been donated by that State for USDA use (p. 8674). This bill will now be sent to the President.
6. CHEMICALS IN FOODS. Received a report from the Delaney Committee (H. Rept. 2356) (p. 8713). The "Daily Digest" states: "In the report tribute is paid to the food industry, stating that the industry is entitled to considerable credit for the progress of research in the field of nutrition, and that this has resulted in an improvement in the health and nutritional status of millions. The committee stated, however, that the evidence had convinced it that the public is nevertheless in need of additional protection against small, irresponsible elements, as well as against the possible inadvertent mistakes of reputable food processors and premature enthusiasms of chemical manufacturers." (p. D669.)
7. EMERGENCY POWERS. The conferees on H. J. Res. 477, to continue various emergency war powers, agreed to file a report (p. D670).
8. VETERANS' BENEFITS. House conferees were appointed on H. R. 7656, the GI Bill of Rights for veterans of the Korean conflict (p. 8667). Senate conferees have been appointed.
9. PUERTO RICO. Agreed to the conference report on H. J. Res. 430, approving the Puerto Rican constitution (p. 8669).
10. BUILDINGS. Concurred in the Senate amendment to H. J. Res. 393, authorizing Government buildings and grounds to be used in connection with the 1953 inauguration (pp. 8669-70). This bill will now be sent to the President.
11. IMPORT CONTROLS. Rep. Andresen gave his analysis of the changes made by the conferees in the import-control provision of S. 2594, the defense production bill (pp. 8672-3).
12. FOREIGN TRADE. Rep. Smith, Miss., said the "Buy-American" policy is a "costly fallacy" (pp. 8705-8).
13. PUBLIC-LAND LAWS. Rep. Bentsen urged that the Interior and Insular Affairs Committee prepare a proposed revision of the public-land laws instead of having a commission to perform this task (pp. 8710-12).
14. INVESTIGATIONS. Agreed, as reported, to H. Res. 263, providing \$150,000 additional for investigations of the Expenditures Committee (p. 8712).



ings in accordance with the criteria set forth in section 104.

The only change made by the conference committee was to retain the proviso of the House amendment—section 104—except that the figure of 15 percent is substituted for the figure of 10 percent in the proviso. The language of the proviso, as agreed to by the conference and Congress, reads as follows:

*Provided, however, That the Secretary of Agriculture after establishing import limitations, may permit additional imports of each type and variety of the commodities specified in this section, not to exceed 15 percent of the import limitation with respect to each type and variety which he may deem necessary, taking into consideration the broad effects upon international relationships and trade.*

It will be noted that this proviso does not direct the Secretary to increase the import quota of any type or variety of the commodities enumerated in the section. It simply states that he may do so under certain circumstances. However, should he decide to increase the import quota of any type of variety, such increase over and above the quota originally established by him for any type or variety is limited to a 15-percent increase.

In other words, the authority vested in the Secretary is not mandatory. It is a discretion which he may exercise and he is not required to go the full limit of 15 percent for any type or variety. He could increase the quota 1 percent or more over and above the original quota limitation. The fact that the proviso permits a limited increase in imports of certain types and varieties, does not mean that the Secretary is required to authorize increased imports of every type or variety. Should the Secretary increase all imports up to the maximum provided by the proviso, the original import quota would be meaningless.

It is not intended that the Secretary should use the proviso in cases like blue mold cheese, Cheddar cheese and other competitive cheeses, wherein increased imports over and above the original import quota would have serious impact upon domestic production or fail to comply with the criteria set forth in section 104. Before increasing quotas under the proviso, the Secretary is required to take into consideration the criteria set forth in section 104 to the fullest extent.

#### BASE IMPORT QUOTAS, 1948-50

Under the authority of section 104 of the Defense Production Act of 1951, the Secretary of Agriculture established quotas for imports of cheese under the following formula which was issued by him on August 9, 1951:

Imports of any type of cheese in a quantity not in excess of the average annual imports of such type of cheese during the period January 1, 1948, through December 31, 1950.

It will be noted that the Secretary established the quota for cheese imports based upon average imports for the years 1948-1950. He also used the year 1950 as a base period in fixing the import quota for casein.

Under date of April 11, 1952, in a brief filed with the United States Tariff Commission, the Secretary of Agriculture

recommended import quotas for blue mold cheese based upon the quotas established in the above formula—1948-50.

No other base period was suggested in the debate on section 104 in either House or Senate or in the conference report. In my opinion, it would seriously disrupt administrative procedure if a new base would be selected for these commodities. Importers are familiar with the base period—1948-50—that has been heretofore established. Furthermore, the leeway given to the Secretary in the proviso will provide satisfactory means for him to make adjustments for types and varieties of cheese over and above the quotas, should such adjustments be found necessary on types of cheese which he finds are not competitive.

#### ROQUEFORT AND SWISS CHEESE

The following statement is made by the managers on the part of the Senate in dealing with Roquefort and Switzerland Swiss cheese:

The committee of conference desires to make it clear that this authority is not to be exercised with respect to types of cheeses, such as Roquefort and Switzerland Swiss, which, because of their United States selling price, are clearly not competitive with domestically produced cheeses.

The above language does not change the language of section 104 as adopted in the conference report. The Secretary may find it desirable, considering the present price relationship, to remove Roquefort and Switzerland Swiss cheese from import controls. However, in so doing, he must take into consideration the criteria set forth in section 104, and should the price relationship materially change so that these two types of imported cheese become competitive with domestically produced cheese, section 104 permits him to place such Roquefort and Swiss cheese under import quotas.

The Bureau of Customs lists 190 different types of imported cheese. I am informed that there are approximately 400 varieties of cheese manufactured in foreign countries, which varieties or types are under brand names of the communities or countries in which they are produced. Many of these types and varieties are highly competitive with domestic cheeses, and great care must be exercised by the Secretary in removing any of them from import controls.

#### EMBARGOES

Under the new section 104, the Secretary is empowered to continue the embargoes announced by him on August 9, 1951, on any or all of the commodities specified in the section, which are enumerated as follows: fats and oils—including oil-bearing materials, fatty acids, and soap and soap powder, but excluding petroleum and petroleum products and coconuts and coconut products—peanuts, butter, and other dairy products, and rice and rice products. He may also place an embargo against imports on cheese and casein if he deems it necessary to comply with the criteria specified in section 104.

#### IMPORTED COMMODITIES UNDER SECTION 104

All imports of the commodities enumerated in section 104 are considered as

being imported against any import quota or limitation when any of such commodities enter a port of the United States for storage, sale or to carry out any barter agreement.

#### HUNDREDS OF RETIRED RAILROADERS INSTEAD OF RECEIVING AN INCREASE IN BENEFITS FROM THE 1951 AMENDMENTS TO THE RAILROAD RETIREMENT ACT ARE ACTUALLY SUFFERING A LOSS

(Mr. VAN ZANDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN ZANDT. Mr. Speaker, on June 26, I introduced H. R. 8371, a bill to amend the Railroad Retirement Act of 1937, as amended, which reads:

*Be it enacted, etc., That section 3 (b) of the Railroad Retirement Act of 1937, as amended is hereby further amended, effective October 30, 1951, by striking the last paragraph thereof.*

The purpose of this amendment is to restore to all beneficiaries under the Railroad Retirement Act the right to receive all earned benefits from both railroad retirement and social security, rather than be forced to forfeit a portion of such benefits as is the case today, resulting from the 1951 amendments to the Railroad Retirement Act.

Hundreds of retired railroaders are today the victims of a gross injustice. Instead of receiving an increase in benefits, as was the original intent of the Congress, they have actually suffered a loss, if they are entitled to both railroad-retirement and social-security benefits.

As an illustration, I submit the following self-explanatory letter received from the son of a retired railroader who resides in my congressional district:

My father, who resides at Clearfield, Pa., retired from the railroad in February 1952 after 28¼ years of service. This service was interrupted from approximately 1930 to 1941, during part of which time he worked in employment covered by social security.

Based on the foregoing facts, my father was awarded pension payments as follows:

|                          |           |
|--------------------------|-----------|
|                          | Per month |
| Railroad retirement..... | \$88.56   |
| Social security.....     | 26.90     |

|                                                                            |        |
|----------------------------------------------------------------------------|--------|
| Total (covering employment from 1912 to 1952, approximately 40 years)..... | 115.46 |
|----------------------------------------------------------------------------|--------|

Prior to the October 30, 1951, amendment of the Railroad Retirement Act railroad pensions were granted in addition to social-security pensions, if any, which had been earned. However, under the latter amendment, which was ostensibly designed to increase railroad retirement benefits, it was provided, for the first time, that railroad retirement benefits must be decreased by any benefits received under social security.

The effect of this amendment, in my father's case, was to produce a slightly lower combined income than he was entitled to under the old law. The railroad retirement amendment of October 30, 1951, therefore, while it has not operated to decrease my father's pension below what he would have received under the old law, has not benefited him at all, as it presumably was designed to do.



Whatever reasons can be urged in support of the existing practice of diminishing railroad retirement benefits by the amount of social-security benefits received, it is submitted that the law as presently constituted is not equitable in that it effectively deprives my father of benefits which he earned under social security. Even if the amendment were otherwise appropriate it is submitted, that, since my father gets no recognition for his time under social security (the above combined payments being approximately equal to what he would receive for his railroad service alone under the new amendment), that he should, at least, be entitled to count his years of service under social security in computing his railroad pension. As it is, he effectively loses out on social security entirely merely by reason of the fact that he happened to be employed in the railroad, rather than some other industry.

I am writing to you at this time to urge that, if you see fit to increase social-security benefits, that the proposed bill exempt the additional benefit from offset against railroad pensions. Unless this is done any additional amount my father might get under social security will be charged against his railroad pension (under existing law, as I understand it). He would, therefore, as in the case of the 1951 railroad-retirement amendment, get nothing, as his railroad pension will automatically be decreased in the same amount as his social-security pension may be increased.

Recently the House of Representatives approved H. R. 7800, a bill to amend the Social Security Act by increasing earned benefits in the amount of either \$5 or 12½ percent, whichever is the greater. Should this bill become a law, it means that retired railroaders, under the 1951 amendment to the Railroad Retirement Act, will be further penalized by having their railroad-retirement annuities reduced in the amount of the increase they receive under social security.

In my opinion, it was not the intent of the Congress of the United States, when approving the 1951 amendments to the Railroad Retirement Act, to reduce the benefits granted retired railroaders, but to the contrary, the amendments were designed to increase benefits. There is only one way to correct this discriminatory injustice which has been cast upon the retired railroad workers, and that is for the Congress of the United States to immediately approve H. R. 8371.

#### BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

Mr. COOLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7952) to authorize the combination of the Truck Crop Insect Laboratory and the Citrus Insect Laboratory of the Bureau of Entomology and Plant Quarantine, located at Alhambra and Whittier, Calif., respectively, and to provide for new quarters.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain just what the bill does?

Mr. COOLEY. I should be very glad to do so, but I prefer to yield to the au-

thor of the bill, the gentleman from California [Mr. PHILLIPS] to make the explanation.

Mr. PHILLIPS. I thank the gentleman.

This is another effort to combine research work which has been spread in several parts in one area where it can be done better and more economically. It is a consolidation bill. I know of no opposition. I will be glad to discuss it further if anybody wants me to.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of the right to object.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. COOLEY]?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of Agriculture is authorized and directed to combine the Truck Crop Insect Laboratory of the Bureau of Entomology and Plant Quarantine, located at Alhambra, Calif., and the Citrus Insect Laboratory of the Bureau of Entomology and Plant Quarantine, located at Whittier, Calif.; and establish said laboratories on a site at the corner of Palm Street and South Harbor Boulevard, Anaheim, Orange County, Calif., made available by Orange County for the purpose; and erect the necessary building at an estimated cost not to exceed \$150,000.

With the following committee amendments:

Page 2, line 2, after the word "purpose", insert "upon terms satisfactory to the Secretary and without cost to the Federal Government."

Page 2, line 6, insert: "Sec. 2. There is hereby authorized to be appropriated not to exceed \$150,000 to carry out the purposes of this act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### TRANSFER OF LAND TO SHARE OF OREGON

Mr. COOLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill S. 2603, an act to authorize the transfer of certain lands to the State of Oregon.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, as I understand it this bill provides for a transfer of land from the Federal Government to the State?

Mr. COOLEY. It transfers approximately 2 acres of land to the State of Oregon. The land formerly was owned by the State of Oregon, but is no longer needed by the Federal Government.

Mr. MARTIN of Massachusetts. Was the bill reported out unanimously by the gentleman's committee?

Mr. COOLEY. It was.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of Agriculture is hereby authorized and directed to convey by quitclaim deed to the State of Oregon, without consideration, all right, title, and interest of the United States in and to the following-described lands comprising a portion of a tract of land acquired by the United States by gift from the State of Oregon: Beginning at the northwest corner of section 8, township 2 north, range 8 east, of the Willamette meridian, which is marked with a United States Army Engineers' land monument; thence north eighty-nine degrees forty-five minutes east two hundred sixty-three and ninety-two one-hundredths feet; thence south one degree thirty-nine minutes thirty seconds east two hundred ninety-one and twenty-four one-hundredths feet to an iron pipe which is the point of beginning of the tract herein described; thence south eighty degrees fifty-seven minutes thirty seconds west three hundred eighty-six and thirty-four one-hundredths feet; then south fifty degrees twenty-four minutes thirty seconds west four hundred twenty-four and five one-hundredths feet; thence north twenty-eight degrees fifty-one minutes west two hundred twenty-nine and seven one-hundredths feet; thence north seventy-four degrees thirty-nine minutes thirty seconds east eight hundred forty-eight and thirty-five one-hundredths feet; thence south one degree thirty-nine minutes thirty seconds east ninety-four and eight one-hundredths feet to point of beginning, containing two acres more or less.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### BURLEY TOBACCO FARM ACREAGE ALLOTMENTS

Mr. COOLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8170) relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. AUGUST H. ANDRESEN. Mr. Speaker, reserving the right to object, will the chairman of the committee explain this bill and tell us just what it does?

Mr. COOLEY. I shall be very glad to do so. Under the present burley tobacco acreage allotment and marketing quota law, there is a 1-acre minimum allotment provided. This bill reduces that 1 acre to seven-tenths of an acre. We held rather extensive hearings, as the gentleman knows, and many of the growers including a substantial number of little growers actually wanted to lower the minimum of five-tenths of an acre, but the committee amended it, as you know, and now provides for seven-tenths of an acre minimum allotment under the law.

Mr. AUGUST H. ANDRESEN. As I understand it, the committee amendment provides that no reduction of more



than one-tenth of an acre can be made in any one year?

Mr. COOLEY. I was just going to call that to the attention of the House. Those are the two changes.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I withdraw my reservation of objection.

[Mr. RANKIN addressed the House. His remarks appear hereafter in the Appendix.]

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc., That, notwithstanding any other provision of law, the farm-acreage allotment for burley tobacco for any year shall not be less than the smallest of (1) the allotment established for the farm for the immediately preceding year, (2) five-tenths of an acre, or (3) 25 percent of the cropland. The additional acreage required under this act shall be in addition to the State acreage allotments and the production on such acreage shall be in addition to the national marketing quota. This provision shall be effective for 1953 and subsequent crops.*

With the following committee amendments:

Page 1, line 6, strike out "five-tenths" and insert "seven-tenths."

Page 1, line 8, after "cropland", insert: "Provided however, That no allotment of 1 acre or less shall be reduced more than one-tenth of an acre in any one year."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

(Mr. RANKIN asked and was given permission to revise and extend his remarks.)

#### CORRECTION OF THE RECORD

Mr. DAVIS of Georgia. Mr. Speaker, in the RECORD of Saturday, June 28, on page 8549, there appear certain typographical errors which do not conform to the revision of my remarks as handed in. I ask unanimous consent to have those typographical errors corrected.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### INVESTIGATION BY COMMITTEE ON THE JUDICIARY

Mr. SMITH of Virginia. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution, House Resolution 689, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved, That House Resolution 95, as amended, is further amended by inserting at the end thereof the following paragraph:*

*"The committee may report to the House at any time during the present Congress the results of any investigation made under au-*

*thority of this resolution, together with such recommendations as its deems appropriate. Any such report which is made when the House is not in session shall be filed with the Clerk of the House."*

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. MARTIN of Massachusetts. What is the purpose of this resolution?

Mr. SMITH of Virginia. The purpose of this resolution briefly is this: The Judiciary Committee was given authority, given to most committees of the House, to make investigations on matters within the jurisdiction of the committee. In view of the expected early adjournment of Congress, the committee asked for authority to file their reports after Congress had adjourned, but during the present Congress.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

Mr. SMITH of Virginia. Mr. Speaker, I have no requests for time and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### STUDY OF INDIAN TRIBES

(Mr. McCORMACK asked and was given permission to address the House for 1 minute.)

Mr. McCORMACK. Mr. Speaker, I desire to make a brief announcement to the House: On tomorrow House Joint Resolution No. 8, to authorize and direct the Secretary of the Interior to study the respective tribes, bands, and groups of Indians under his jurisdiction to determine their qualification to handle their own affairs without supervision and control by the Federal Government will be in order.

#### PROCEEDINGS AGAINST ARTHUR MCPHAUL

Mr. WOOD of Georgia. Mr. Speaker, by direction of the House Committee on Un-American Activities, I submit a privileged report.

The Clerk read as follows:

The Committee on Un-American Activities as created and authorized by the House of Representatives through the enactment of Public Law 601, section 121, subsection (q) (2) of the Seventy-ninth Congress, and under House Resolution No. 7, of the Eighty-second Congress, caused to be issued a subpoena to Arthur McPhaul. Said subpoena required the said Arthur McPhaul to be and appear before the Committee on Un-American Activities of the House of Representatives of the United States, or a duly authorized subcommittee thereof, at room 737, Federal Building, Detroit, Mich., on Tuesday, February 26, 1952, at the hour of 10 a. m., to produce all records, correspondence, and memoranda pertaining to the organization of, the affiliation with other organizations, and all money received or expended by the Civil Rights Congress, and then and there to testify to matters of inquiry committed

to the said committee and not to depart without leave of said committee. The subpoena served upon Arthur McPhaul is set forth in words and figures as follows:

"By authority of the House of Representatives of the Congress of the United States of America, to United States Marshal: You are hereby commanded to summon Arthur McPhaul, 252 East Palmer, Detroit, Mich., to be and appear before the Committee on Un-American Activities or a duly authorized subcommittee thereof of the House of Representatives of the United States, of which the Honorable JOHN S. WOOD is chairman, together with all records, correspondence, and memoranda pertaining to the organization of, the affiliation with other organizations, and all moneys received or expended by the Civil Rights Congress, room 737 Federal Building, Detroit, Mich., Tuesday, February 26, 1952, at the hour of 10 a. m., then and there to testify touching matters of inquiry committed to said committee; and he is not to depart without leave of said committee.

"Herein fail not, and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 13th day of February, 1952.

"JOHN S. WOOD, Chairman.

"Attest:

"[SEAL]

RALPH R. ROBERTS,

"Clerk, United States House of Representatives."

The said subpoena was duly served as appears by the return made thereon by Joseph L. Wisniewski, United States marshal, by Sam O'Connell, deputy. The return of the service by the said Sam O'Connell, endorsed thereon, is set forth as follows:

"Subpena for Arthur McPhaul before the committee on the 28th day of February 1952; Served Arthur McPhaul at Detroit, Mich., on the 18th day of February 1952.

"JOSEPH L. WISNIEWSKI,

"United States Marshal.

"By SAM O'CONNELL, Deputy."

In compliance with the said subpoena, Arthur McPhaul appeared before a subcommittee of the said committee and the said subcommittee then and there demanded the production of said records, correspondence, and memoranda pertaining to the organization of, the affiliation with other organizations, and all moneys received or expended by the Civil Rights Congress, and the said Arthur McPhaul refused to produce the said records and documents and refused to answer all questions relating thereto. The said Arthur McPhaul having appeared as a witness and having been asked questions namely:

"Mr. McPhaul, the committee has heretofore served upon you a subpoena duces tecum to produce certain records and documents. Are you prepared to respond to that subpoena?

"Are you prepared to produce the documents and papers that have been called upon for you to produce under the subpoena?

"The question is as to whether or not you are refusing to produce the records directed to be produced under the subpoena.

"My question to you was not answered by that statement, in my judgment. My question was whether or not you are refusing to produce the records which you were directed to produce under this subpoena.

"I have asked you to produce the records. Now, will you produce them?

"What type of work do you engage in?

"How were you employed in 1942?

"How were you employed between 1945 and 1950?

"Are you acquainted with a person by the name of Richard F. O'Hair?



"Were you at any time a member of the Midtown Club of the Communist Party?"

"Were you at any time a member of the Ford unit, or any unit within Ford; that is, any unit of the Communist Party?"

"Did you hear him [Walter Scott Dunn] testify in regard to you in any particular?"

"Are you a member of the Civil Rights Congress?"

"Do you know whether he [William Patterson] is an official of the Civil Rights Congress?"

"What position does Mr. William Patterson hold in the Civil Rights Congress, if you know?"

"Are you acquainted with Mary Bray?"

"Were you acquainted with Jack Raskin?"

"To your knowledge, did he [Jack Raskin] ever hold a position with the Civil Rights Congress?"

"Are you now a member of the Communist Party?"

which questions were pertinent to the subject under inquiry, refused to answer such questions, and as a result of the said Arthur McPhaul's refusal to answer the aforesaid questions, your committee was prevented from receiving testimony and information concerning a matter committed to said committee in accordance with the terms of the subpoena served upon the said Arthur McPhaul.

The record of the proceedings before the said subcommittee on February 27, 1952, during which the said Arthur McPhaul refused to produce the aforesaid records and documents pertinent to the subject under inquiry, and refused to answer the aforesaid questions pertinent to the subject under inquiry, is set forth as follows:

"(A subcommittee of the Committee on Un-American Activities consisting of Representatives JOHN S. WOOD, chairman, and MORGAN M. MOULDER, DONALD L. JACKSON, and CHARLES E. POTTER [MORGAN M. MOULDER being absent] met in room 737, Federal Building, Detroit, Mich., on Wednesday, February 27, 1952, and hearings were conducted by the said subcommittee during that day, the last witness appearing before said subcommittee on said day being Arthur McPhaul.)

"Mr. WOOD. Will you call your next witness, Mr. Counsel?"

"Mr. TAVENNER. I will call Arthur McPhaul.

"TESTIMONY OF ARTHUR M'PHAUL, ACCOMPANIED BY HIS COUNSEL, GEORGE W. CROCKETT, JR.

"Mr. WOOD. Mr. McPhaul, the committee has heretofore served upon you a subpoena duces tecum to produce certain records and documents. Are you prepared to respond to that subpoena?"

"Mr. CROCKETT. May I suggest that the photographers be instructed to cease taking pictures, Mr. Chairman?"

"Mr. WOOD. Does Mr. McPhaul object to the pictures? Is that your request?"

Mr. McPhaul. That is right.

"Mr. WOOD. I will ask the photographers then to desist from taking further pictures. Will you answer my question, Mr. McPhaul? Are you prepared to produce the documents and papers that have been called upon for you to produce under the subpoena?"

"Mr. McPhaul. Mr. Wood, I refuse to answer this or any question which deals with the possession or custody of the books and records called for in the subpoena. I claim my privilege under the fifth amendment of the Constitution.

"Mr. WOOD. In view of that answer, Mr. Counsel, do you desire to proceed with the examination of this witness at this time?"

"Mr. TAVENNER. I would like to ask the witness if he has any other reason for refusing to produce the documents called for in the subpoena?"

"Mr. McPhaul. I think my answer covers it.

"Mr. TAVENNER. I would like to read the subpoena into the record, at least part of it,

and introduce it. The subpoena calls for "the appearance before the Committee on Un-American Activities or a duly authorized subcommittee thereof, from the House of Representatives of the United States, of which the Honorable JOHN S. WOOD is chairman, together with all records, correspondence, memoranda, pertaining to the organization of, the affiliation with other organizations and all moneys received or expended by the Civil Rights Congress, room 737, Federal Building, Detroit, Mich., Tuesday, February 26, 1952."

"I desire to offer the subpoena in evidence and ask that it be marked 'McPhaul Exhibit No. 1.'"

"Mr. WOOD. It will be so marked and received.

"(The document referred to was marked 'McPhaul Exhibit No. 1' and received in evidence.)

"Mr. WOOD. In order to complete the record, Mr. McPhaul, is it in response to this subpoena that has just been read that you now decline, for the reasons you have stated, to produce the documents and books and records therein called for?"

"Mr. McPhaul. I have stated the reasons, for the record.

"Mr. WOOD. Is it in response to this subpoena that you refuse to answer?"

"Mr. McPhaul. That is my answer that I have just given.

"Mr. WOOD. To this subpoena?"

"Mr. McPhaul. To that subpoena; yes.

"Mr. WOOD. Now, the question I will ask counsel is, it is now 4:30. Do you desire to proceed with the examination of this witness at this time? If so, I will administer the oath to him.

"Mr. TAVENNER. Yes; let us proceed.

"Mr. WOOD. Will you please stand and be sworn. Do you solemnly swear that the evidence that you give this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?"

"Mr. McPhaul. I do.

"Mr. WOOD. Are you represented by counsel?"

"Mr. McPhaul. I am.

"Mr. WOOD. Will you identify yourself for the record, Counsel?"

"Mr. CROCKETT. My name is George W. Crockett, Jr., of the Michigan bar and the United States Supreme Court bar. My office is located in the Cadillac Tower Building in the city of Detroit.

"Mr. McPhaul. I have just handed each member of the committee a copy of a prepared statement. I also include a petition, We Charge Genocide, a crime of the Government against Negro people. That was presented to the United Nations a few weeks ago.

"Mr. WOOD. The committee has it in hand and it will be given due consideration. Just confine yourselves here to the answering of the questions asked you and we will get along.

"Mr. McPhaul. I just wanted to help by pointing out, if you will permit me to read certain things—

"Mr. WOOD. If we desire that sort of assistance, we will call on you for it.

"Mr. TAVENNER. Will you state your full name, please?"

"Mr. McPhaul. Arthur McPhaul.

"Mr. TAVENNER. Where were born, Mr. McPhaul?"

"Mr. McPhaul. There is some question about where I was born. You being from Virginia, sir, you know, no doubt, in most of the Southern States—

"Mr. WOOD. Will you just answer the question?"

"Mr. McPhaul. They just don't bother to make birth certificates.

"Mr. TAVENNER. No; I didn't have one myself.

"Mr. WOOD. Just give us your best understanding about it, if you do not know definitely. Can you approximate it? I did not

have one, but I finally went back to the old family Bible and dug up one.

"Mr. TAVENNER. I asked a question of one witness on an occasion of where she was born and she started back at Jamestown. I really only want to know for the purpose of the record what your age is.

"Mr. McPhaul. I think I was born in Oklahoma.

"Mr. TAVENNER. When?"

"Mr. McPhaul. 1909.

"Mr. TAVENNER. Mr. McPhaul, you were served with a subpoena by Mr. Sam O'Connell, deputy United States marshal, to appear before the committee on the 26th day of February 1952 and produce the records, correspondence, and memoranda pertaining to the organization of and affiliation with other organizations and all moneys received and expended by the Civil Rights Congress, were you not?"

"Mr. McPhaul. Yes; I was served with a subpoena.

"Mr. TAVENNER. Do I understand that you refuse to produce any of the records directed to be produced under the subpoena?"

"Mr. McPhaul. I have answered that, Mr. Counsel.

"Mr. WOOD. You did not answer it under oath, and I think perhaps you will agree with me that it would be proper to do so under oath if you are asked.

"Mr. McPhaul. I will repeat the answer that I gave at the beginning.

"Mr. WOOD. Will that answer stand as your answer to the question just asked you?"

"Mr. McPhaul. Will you repeat the question?"

"Mr. TAVENNER. The question is as to whether or not you are refusing to produce the records directed to be produced under the subpoena?"

"Mr. McPhaul. My answer to that is, I refuse to answer this or any questions which deal with the possession or custody of the books and records called for in this subpoena. I claim my privileges under the fifth amendment of the United States Constitution.

"Mr. TAVENNER. My question to you was not answered by that statement, in my judgment. My question was whether or not you are refusing to produce the records which you were directed to produce under this subpoena?"

"Mr. McPhaul. I have answered it in this statement.

"Mr. TAVENNER. No, sir. You have stated that you refuse to answer any questions pertaining to them. I have not asked you a question that pertains to them. I have asked you to produce the records. Now, will you produce them?"

"Mr. McPhaul. I will not. While he is conferring, I wonder if the Kluxers of Georgia have ever been asked to produce their records.

"Mr. WOOD. If it was pertinent to this inquiry, I could answer that question for you, sir, that they have been requested to do so and have done so.

"Mr. McPhaul. I would like to see the records, Mr. Chairman, of some of the proceedings from such an inquiry into the Ku Klux Klan of Georgia, especially?"

"Mr. WOOD. You are perfectly at liberty, sir, to come to the committee offices and view them. I will say for the benefit of the witness, that in view of certain published statements that have been made in this city, which are intended, I believe, to reflect upon me, that I happen to be the first American official who ever prosecuted a Ku Klux Klansman in Georgia and convicted him and sentenced him to prison for outrages committed on people of both colors in my State.

"Mr. McPhaul. You did convict some for lynching.

"Mr. WOOD. I convicted some for outrages and for assault with intent to murder, in the courts of my State. Perhaps that might alleviate some of the feeling of some of the people because of the fact I come from the deep South.







82<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 8170

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IN THE SENATE OF THE UNITED STATES

JULY 1 (legislative day, JUNE 27), 1952

Read twice and referred to the Committee on Agriculture and Forestry

---

## AN ACT

Relating to burley tobacco farm acreage allotments under the  
Agricultural Adjustment Act of 1938, as amended.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That, notwithstanding any other provision of law, the farm  
4       acreage allotment for burley tobacco for any year shall not  
5       be less than the smallest of (1) the allotment established for  
6       the farm for the immediately preceding year, (2) seven-  
7       tenths of an acre, or (3) 25 per centum of the cropland:  
8       *Provided, however,* That no allotment of one acre or less  
9       shall be reduced more than one-tenth of an acre in  
10      any one year. The additional acreage required under  
11      this Act shall be in addition to the State acreage allotments

1 and the production on such acreage shall be in addition to  
2 the national marketing quota. This provision shall be effec-  
3 tive for 1953 and subsequent crops.

Passed the House of Representatives June 30, 1952.

Attest:

RALPH R. ROBERTS,

*Clerk.*





82<sup>nd</sup> CONGRESS  
2<sup>nd</sup> Session

# H. R. 8170

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## AN ACT

Relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended.

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JULY 1 (legislative day, JUNE 27), 1952  
Read twice and referred to the Committee on  
Agriculture and Forestry







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

Issued July 3, 1952

For actions of July 2, 1952

82nd-2nd, No. 118

OFFICE OF BUDGET AND FINANCE  
(For Department Staff Only)

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**HIGHLIGHTS:** Both Houses agreed to conference reports on following appropriation bills (ready for President): agricultural, independent offices, Labor-Federal Security. House passed following bills: extending rural housing program 1 year, increasing civil-service retirement, extending Veterans' Preference Act to recent veterans, authorizing air-pollution research, and transferring Ft. Reno lands to Indians. Senate passed price-maintenance bill. Ready for President. House adopted conference report on emergency-powers continuation bill. House committee reported bills authorizing halogeton control and sale of submarginal-land tract. Senate committee reported bills to adjust burley tobacco quotas and authorize consolidated insect-research laboratory. Senate committee submitted CCC investigation report.

## SENATE

1. **APPROPRIATIONS.** Both Houses agreed to the conference reports on the following bills and acted on amendments in disagreement (these bills will now be sent to the President):

Agricultural appropriation bill, H. R. 7314 (pp. 9014-6, 9159-60).

Attached to this Digest is a statement on this bill as sent to the President.

Independent offices appropriation bill, H. R. 7072 (pp. 9019-28, 9161-3).

As sent to the President, this bill restores the Thomas leave rider but adds a provision to the effect that the rider shall not be applicable to annual leave accumulated prior to Jan. 1, 1952. Sen. Robertson inserted a statement by Sen. Byrd objecting to the rider. The bill also fixes a ceiling of \$1,600 on the price which may be paid for automobiles, with certain exceptions. The conferees compromised the National Science Foundation item at \$4,750,000.

Labor-Federal Security appropriation bill, H. R. 7151 (pp. 9016-9, 9160).

D. C. appropriation bill, H. R. 7216 (pp. 9010-3, 9160).

2. **PRICE MAINTENANCE.** Passed, 64-16, without amendment H. R. 5767, to amend the Federal Trade Commission Act so as to extend the provisions of State "fair-trade"

- laws, relating to minimum or stipulated resale prices, to merchants not signing such agreements with wholesalers or distributors (pp. 9068, 9073-112, 9118-27, 9135-45). This bill will now be sent to the President.
3. CCC INVESTIGATION. The Agriculture and Forestry Committee submitted its report on its investigation of CCC storage and processing activities (S. Rept. 2048)(p. 9064). The report is not yet printed, and the committee staff informs us that it may not be available for distribution for several weeks.
  4. LAND TRANSFER. The Agriculture and Forestry Committee reported without amendment H. R. 5055, to authorize exchange of certain lands in Ontonagon County, Mich., for lands within the Ottawa National Forest (S. Rept. 2053)(p. 9064).
  5. INSECT RESEARCH. The Agriculture and Forestry Committee reported without amendment H. R. 7952, to authorize the combination of the Truck Crop Insect and the Citrus Insect Laboratories of E&PQ located at Alhambra and Whittier, Calif., respectively, and to authorize new quarters (S. Rept. 2054)(p. 9064).
  6. TOBACCO ALLOTMENTS. The Agriculture and Forestry Committee reported without amendment H. R. 8170, to authorize reductions in minimum burley tobacco farm acreage allotments (S. Rept. 2055)(p. 9064).
  7. RECLAMATION. The Interior and Insular Affairs Committee reported with amendments S. 2320, to provide the basis for authorizing irrigation works in connection with Chief Joseph Dam and to provide for financial assistance thereto from power revenues (S. Rept. 2051)(p. 9064).
  8. PROPERTY; ADMINISTRATIVE SERVICES. The Government Operations Committee reported with amendments H. R. 5350, to make various amendments to the Federal Property and Administrative Services Act of 1949 (S. Rept. 2075)(p. 9064).
  9. SUPPLEMENTAL APPROPRIATION BILL, 1953. The Appropriations Committee was authorized to report this bill, H. R. 8370, during recess (p. 9148).
  10. NOMINATION of Walter L. Green, to be Federal Housing Commissioner, was confirmed (pp. 9158, 9168).
  11. TUNA-FISH INVESTIGATION. Sen. George inserted a Tariff Commission public notice on the investigation of the domestic tuna-fish industry undertaken by that agency on June 30 (p. 9068).
  12. BUDGETING. Sen. McClellan inserted a Washington Post editorial favoring S. 913 and H. R. 7888, to create a joint budget committee, etc. (p. 9072).
- HOUSE
13. APPROPRIATIONS. The Appropriations Committee reported without amendment H. J. Res. 493, allowing \$500,000 to the Appropriations Committee for staff aid in scrutinizing the budget and in investigating the expenses of the executive agencies (H. Rept. 2429)(pp. 9059, 9001-2, A4431).
  14. PRICE MAINTENANCE. The Judiciary Committee reported without amendment S. 917, establishing good faith as a defense to a charge of price discrimination to meet the equally low price of a competitor (H. Rept. 2438)(p. 9059).
  15. EMERGENCY POWERS. Agreed to the conference report on H. J. Res. 477, to continue certain statutory provisions during the emergency and for 6 months



## MINIMUM BURLEY TOBACCO ACREAGE ALLOTMENTS

JULY 2 (legislative day, JUNE 27), 1952.—Ordered to be printed

Mr. ELLENDER, from the Committee on Agriculture and Forestry,  
submitted the following

### REPORT

[To accompany H. R. 8170]

The Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 8170), relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended, having considered the same, report thereon with a recommendation that it do pass without amendment.

H. R. 8170 as introduced provided that the minimum farm acreage allotment for burley tobacco shall not be less than (1) the allotment established for the farm for the immediately preceding year, (2) five-tenths of an acre, or (3) 25 percent of the cropland. In its report on June 27 the House Committee on Agriculture recommended that category (2) above be changed to seven-tenths of an acre, and that an additional provision be inserted whereby an allotment of 1 acre or less shall not be reduced more than one-tenth of an acre in any 1 year. These amendments were approved by the House and a copy of the House report (H. Rept. 1254), explaining the need for this legislation, is attached hereto as a part of this report.

[H. Rept. No. 2349, 82d Cong., 2d sess.]

The Committee on Agriculture, to whom was referred the bill (H. R. 8170) relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 1, lines 6 and 7, strike out "five-tenths" and insert in lieu thereof "seven-tenths".

Page 1, line 7, after the word "cropland" change the period to a colon and insert "Provided, however, That no allotment of one acre or less shall be reduced more than one-tenth of an acre in any one year."

## STATEMENT

The purpose of this bill is to equalize among all growers the adjustments which must be made from time to time in the acreage allotments for burley tobacco. The production of this crop is characterized by a large number of very small acreage allotments. At the present time the 475,000 acres of burley-tobacco allotment are divided among 305,847 different farms, an average of only 1.56 acres per farm.

Under the present laws relating to burley-tobacco allotments, some growers are protected against having their allotments reduced below 1 acre, while many other growers have no such protection. Farms without that protection and with allotments of 1 acre or less, have had their allotments reduced 32 percent since 1945, while those whose small allotments are protected have suffered no decrease or have actually had their acreage increased during that same period.

This bill, which was introduced at the request of the Department of Agriculture, will reduce the minimum stated acreage from 1 acre to seven-tenths of an acre and will give all burley growers the benefit of this protection.

## ADMINISTRATIVE ADJUSTMENTS

During the hearings on the bill it appeared to the committee that some improvement in the burley-tobacco program can be made by administrative adjustments of present rules and regulations of the Department. In reporting this bill favorably in order to improve the program, the committee does so with the expectation that the Department of Agriculture will take such administrative steps as may appear to be desirable. The committee suggests particularly that action be taken with respect to the following two situations:

At the present time, the "tolerance" allowed to a producer in complying with his acreage allotment is ninety-nine one-hundredths of one-tenth of an acre. Several witnesses testified that this is more tolerance than is necessary in the case of allotments as small as those for burley tobacco and results merely in producers in many areas intentionally overplanting their allotments by the allowable tolerance. It is the recommendation of the committee that this tolerance be reduced drastically.

Second, testimony indicated that burley tobacco is being grown in vacant lots in many towns and cities in the burley area. Where such production is actually a part of a larger farming operation, the producer is, of course, entitled to grow his tobacco on any part of his land he may choose. It was the opinion of witnesses, however, that in some instances this "vacant-lot farming" constitutes the entire farming operation of the tobacco producer involved. The committee recommend that the Department review carefully its definitions of eligible farms in order to eliminate from the quota those "vacant lot" producers who may not be eligible for a burley allotment under a strict interpretation of the law.

## HEARINGS

Two days of hearings were held on the bill and it was supported very generally by representatives of burley-tobacco associations from most parts of the producing area. The National Grange and the Farm Bureau also appeared in favor of the bill with the Grange representative, as did several other witnesses, recommending that the minimum be placed at seven-tenths of 1 acre (as provided in the amended bill) instead of five-tenths of 1 acre, as provided in the bill as originally introduced.

There was some opposition to the bill expressed by two witnesses, but the committee believe that the committee amendments will meet the objections those witnesses had and that they would probably favor the bill as amended and reported by the committee. Several of the witnesses who appeared before the committee will be among those whose acreage will be reduced as a result of this legislation. Nevertheless, they recommended its adoption for the benefit of the burley program as a whole.

## COMMITTEE AMENDMENTS

The committee have changed from five-tenths of an acre to seven-tenths of an acre the acreage minimum provided in the bill. Several witnesses who appeared in favor of the bill as drafted nevertheless suggested that they thought the seven-tenths minimum was preferable. It may be that the minimum may have to be reduced again at some future time, but it was the opinion of several witnesses that, with the administrative improvements suggested in this report, it would be several

years before there would be any necessity of again reducing the minimum acreage and thereby broadening the base for any over-all reduction in the burley allotment.

The second amendment will prevent the reduction in any allotment of 1 acre or less of more than one-tenth of an acre in any 1 year. Several witnesses suggested that some such provision against growers with very small allotments being sharply reduced should be included in the bill. The committee believe that with these two amendments the bill will provide for a much more equitable and workable program for burley tobacco.

DEPARTMENT REPORT

The bill was introduced at the request of the Department of Agriculture and the executive communication from the Secretary of Agriculture suggesting the legislation is appended hereto and made a part of this report.

MAY 22, 1952.

The VICE PRESIDENT,  
*United States Senate.*

DEAR MR. VICE PRESIDENT: At the invitation of the Department, some of the Senators and Representatives from the burley tobacco producing area met with Department officials recently to discuss problems relating to the burley tobacco marketing quota program. In keeping with the request of Senators and Representatives attending the meeting the Department submits herewith suggested legislation to provide a more uniform, a more equitable, and a sounder economic basis for the establishment of burley tobacco acreage allotments.

The Department is confronted with serious difficulty in establishing allotments under present provisions of law and, in our judgment, these difficulties are such that they may make it virtually impossible to continue operation of the program successfully. The facts cited below will bring out the problem:

1. Public Law 43, Seventy-eighth Congress, approved April 29, 1943 (57 Stat. 69), provides that the burley tobacco acreage allotment which would otherwise be established for any farm having a burley acreage allotment in 1942 shall not be less than one-half acre.

2. Under Public Law 276, Seventy-eighth Congress, approved March 31, 1944 (58 Stat. 136), the allotment for any farm having a burley tobacco acreage allotment in 1943 cannot be less than 1 acre or 25 percent of the cropland, whichever is smaller.

3. Burley allotments are distributed as follows:

- (a) 304,847 farms share 475,000 acres of allotment in 1952, an average of 1.56 acres per farm. Tobacco on many farms is grown by two or more families and the average burley allotment per family is about 1 acre.

- (b) 190,836 farms have allotments of 1 acre or less and an additional 13,540 farms have allotments of 1.1 acres each in 1952.

- (c) The estimated number of farms having burley allotments of 1 acre or less in 1943 is 95,000.

4. Farms with allotments above 1 acre have had their allotments reduced 32 percent since 1945, while smaller allotments have remained the same or increased.

5. With a normal crop in 1952, burley allotments in 1953 would need to be reduced by at least 20 percent below 1952 in order to bring supplies in line with demand.

6. If only the allotments above 1 acre are reduced by 20 percent in 1953, the net reduction will be only 13 percent. Any reduction in subsequent years would be even less effective because more allotments would be reduced to 1 acre and, therefore, be protected. Thus, it would become increasingly difficult to maintain supplies in line with demand.

7. The average yield per acre of burley tobacco in the 5 years 1939-43 was 985 pounds, whereas the average in the 5 years 1947-51 was 1,271 pounds. Thus, seven-tenths of an acre of burley tobacco now is equivalent to 1 acre in 1944 from the standpoint of production, and the yield trend is still upward.

Although the Department did not object to Public Law 276 at the time of its enactment as a wartime measure, we have been greatly concerned about its application and have twice before called this to the attention of the Congress. Protection of a farm having an allotment in 1943 through a specific legal minimum (the smaller of 1 acre or 25 percent of the cropland) and denial of that protection to an adjoining farm across the road or fence, because the allotment for that farm was established in 1944 or 1945, would create misunderstanding and dissension among the growers. Recognizing this, the Department has used permissive



provisions of the law to avoid reducing allotments of 1 acre or less which were not specifically protected under Public Law 276. However, in view of the necessity for further adjustment of supplies of burley tobacco and the ever-increasing number of allotments that have not shared in these adjustments, the Department is unable to justify continuation of this protection to allotments of 1 acre or less not protected by Public Law 276. Therefore, unless the law can be amended in time to permit application of the amendment in the establishment of allotments in September and October of this year for the 1953 crop, there will be around 95,000 farms—about one-half of the so-called small allotments—on which the allotments should be reduced in 1953, leaving the other 95,000 farms protected under Public Law 276.

The Department recommends that the law be amended to provide that the farm-acreage allotment for burley tobacco for any year shall not be less than the smallest of (1) the allotment established for the farm for the immediately preceding year, (2) five-tenths of an acre, or (3) 25 percent of the cropland in the farm. This amendment would (1) place all small allotments on a uniform basis, (2) bring the over-all job of adjusting supplies in line with demand within sounder and more manageable limitations, and (3) eliminate the virtually impossible administrative burden arising out of record keeping over an indefinite period of years in relation to a specified earlier year.

The enclosed draft of a bill would accomplish the objectives recommended by the Department. The Department urgently recommends that the proposed bill be enacted.

The enactment of this proposed bill would entail no additional administrative expenses.

The Bureau of the Budget advises that from the standpoint of the program of the President, there is no objection to the submission of this recommendation.

Sincerely,

CHARLES F. BRANNAN, *Secretary*.



Calendar No. 1978

82<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 8170

[Report No. 2055]

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## IN THE SENATE OF THE UNITED STATES

JULY 1 (legislative day, JUNE 27), 1952

Read twice and referred to the Committee on Agriculture and Forestry

JULY 2 (legislative day, JUNE 27), 1952

Reported by Mr. ELLENDER, without amendment

---

## AN ACT

Relating to burley tobacco farm acreage allotments under the  
Agricultural Adjustment Act of 1938, as amended.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*  
3        That, notwithstanding any other provision of law, the farm  
4        acreage allotment for burley tobacco for any year shall not  
5        be less than the smallest of (1) the allotment established for  
6        the farm for the immediately preceding year, (2) seven-  
7        tenths of an acre, or (3) 25 per centum of the cropland:  
8        *Provided, however,* That no allotment of one acre or less  
9        shall be reduced more than one-tenth of an acre in  
10       any one year. The additional acreage required under  
11       this Act shall be in addition to the State acreage allotments

1 and the production on such acreage shall be in addition to  
 2 the national marketing quota. This provision shall be effec-  
 3 tive for 1953 and subsequent crops.

Passed the House of Representatives June 30, 1952.

Attest:

RALPH R. ROBERTS,

*Clerk.*

Calendar No. 1978

82<sup>ND</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 8170**

[Report No. 2055]

## AN ACT

Relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended.

JUNE 1 (legislative day, JUNE 27), 1952

Read twice and referred to the Committee on  
Agriculture and Forestry

JUNE 2 (legislative day, JUNE 27), 1952

Reported without amendment







*Senate*

*July 3, 1952*

in funerals for deceased members of the Armed Forces returned to the U. S. from abroad for burial (p. 9206).

20. MINERALS. Passed without amendment H. R. 5788, to extend certain 10-year oil and gas leases (p. 9207). This bill will now be sent to the President.
21. WATER COMPACT. Passed as reported H. R. 2470, granting consent to Idaho, Montana, Oregon, Washington, and Wyoming to enter into a compact for division of Columbia River waters (pp. 9207-8, 9246).
22. PERSONNEL. Passed without amendment H. R. 7641, to provide benefits for certain Federal employees of Japanese ancestry who lost certain rights with respect to grade, time in grade, and rate of pay by reason of any policy or program of the Government with respect to such persons during World War II (p. 9208). This bill will now be sent to the President.
23. FLAMMABLE FABRICS. Passed as reported S. 2918, to prohibit interstate transportation in dangerous flammable fabrics (pp. 9214-7).
24. VETERANS' PREFERENCE. Passed with amendment H. R. 7721, to extend the Veterans' Preference Act of 1944 to persons serving in the Armed Forces of the U. S. after World War II and before July 2, 1955 (pp. 9235-6).
25. FORESTRY. Passed without amendment H. R. 5055, to authorize exchange of certain U. S. lands in Ontonagon County, Mich., for lands within the Ottawa National Forest (p. 9238). This bill will now be sent to the President.
26. INSECT RESEARCH. Passed without amendment H. R. 7952, to authorize combination of the Truck Crop Insect Laboratory and the Citrus Insect Laboratory of E&PQ at Alhambra and Whittier, Calif., respectively, and to provide for new quarters (p. 9238). This bill will now be sent to the President.
27. TOBACCO ALLOTMENTS. Discussed and passed over, at the request of Sen. Clements, H. R. 8170, to authorize reductions in the minimum farm acreage allotments for burley tobacco (p. 9238).
28. PROPERTY; ADMINISTRATIVE SERVICES. Passed as reported H. R. 5350, to amend the Federal Property and Administrative Services Act so as to increase the capital of the general supply fund, allow greater flexibility in determining the amount of reimbursement for transfer of excess property among executive agencies, extend for 1 year the authority to dispose of surplus property by negotiation, and authorize the establishment of a buildings-management working capital fund (pp. 9243-4).
29. EMERGENCY POWERS. Passed as reported S. J. Res. 165, to continue various war-time emergency powers (pp. 9301-2).  
Agreed to the conference report on H. J. Res. 477, to continue various war-time emergency powers (p. 9265).
30. AIR-POLLUTION RESEARCH. The Labor and Public Welfare Committee reported without amendment H. J. Res. 218, to provide for intensified research into the causes, hazards, and effects of air pollution, into methods for its prevention and control, and for recovery of critical materials from atmospheric contaminants (S. Rept. 2079)(p. 9298).
31. WATER POLLUTION. The Public Works Committee reported without amendment H. R. 6856, to extend the Water Pollution Act (S. Rept. 2092)(p. 9298).



*Senate July 3, 1952*

8. NOMINATION. The Public Works Committee reported favorably the nomination of Raymond Ross Paty to the TVI Board (p. 9177).
9. RETIREMENT. Senate conferees were appointed on S. 2968, to increase the annuities under the Civil Service Retirement Act (pp. 9178-9).
10. BUDGETING. Passed without amendment S. Con. Res. 27, to provide for a consolidated appropriation bill each year. Later, at the request of Sen. Hayden, the vote was reconsidered and the measure was passed over. (p. 9182.)
11. PERSONNEL. Passed without amendment S. 1811, to suspend the running of the statutes of limitations applicable to offenses involving performance of official duties by Government personnel. Later, at the request of Sen. Morse, the vote was reconsidered and the bill was passed over. (p. 9184.)
12. INVESTIGATIONS. Passed without amendment S. J. Res. 143, to authorize a special investigator and a staff to investigate improper and illegal conduct in the transaction of Government business, etc. (pp. 9184-5).
13. PURCHASING. Passed with amendment S. 2487, to permit review of decisions of Government contracting officers involving questions of fact arising from Government contracts in cases other than those in which fraud is alleged (pp. 9188-9).
14. SCHOOL LUNCH PROGRAM. Passed as reported H. R. 1732, to amend the National School Lunch Act so as to provide for the apportionment of additional funds to Hawaii, Alaska, Puerto Rico, Guam, and the Virgin Islands (p. 9189).
15. TRANSPORTATION. Passed as reported S. 2364, to authorize ICC to revoke or amend, under certain conditions, water-carrier certificates and permits. Later, at the request of Sen. Aiken, the vote was reconsidered and the bill was passed over. (pp. 9190-1.)
16. COST-OF-LIVING ALLOWANCES. Passed without amendment S. 2008, to permit payment of cost-of-living allowances to Government employees outside continental U. S. in excess of 25% of the rate of basic pay (p. 9194).
17. RECLAMATION. Passed without amendment H. R. 6723, to approve contracts negotiated with the Gering and Fort Laramie irrigation district, the Goshen irrigation district, and the Pathfinder irrigation district; and to authorize the execution of contracts on the North Platte Federal reclamation project (pp. 9195-6). This bill will now be sent to the President.  
Passed without amendment H. R. 6163, to authorize irrigation works in connection with Chief Joseph Dam (p. 9268). This bill will now be sent to the President.  
Sen. Douglas inserted correspondence with the Army and Interior Departments concerning cost allocations, repayments, and the application of reclamation law to the Kings River project, Calif. (pp. 9308-12).
18. FARM TENANT LOANS. Passed without amendment H. R. 4799, to amend Sec. 73 (i) of the Hawaiian Organic Act so as to authorize sale of homestead lots under the Bankhead-Jones Farm Tenant Act (p. 9197). This bill will now be sent to the President.
19. PERSONNEL. Passed with amendment H. R. 7806, to authorize participation of certain Federal employees, without loss of pay or deduction from annual leave,



paign attracted a great deal of national attention and here in central New York many people having friends and relatives in California got busy by mail in behalf of Senator KNOWLAND. One of the smears the opposition attempted was to deride his interest in protecting Formosa—and California's coast—and term KNOWLAND "the Senator from Formosa." By trying to make this an issue the opposition must now be greatly more distressed by the appearance of California voters overwhelmingly voting that Formosa should have a seat in the United States Senate. Seriously though, the people of New York State certainly congratulate California voters on their fine discernment and good judgment in returning BILL KNOWLAND to the United States Senate—also for that matter on their selection of his brilliant and able colleague, Senator RICHARD NIXON.

Politically speaking, any Republican candidate for President should be proud and eager to have as a running mate, Senator KNOWLAND for Vice President, but historically the Vice Presidency more often leads to oblivion than elsewhere. We are not sure we would like to see the great talents of Senator KNOWLAND filed away in the oft-time mustiness of the Vice Presidency. He has tremendous opportunities for public service as a powerful and influential Senator. He has become a real national asset for America, for the Republican Party, and for all the citizens of the Nation. We hope he will serve where he can do the most public good, and we are sure that will also be his own personal desire. We are very proud that there is a Senator BILL KNOWLAND. We are proud that in these difficult times when it often seems that democracy itself is on trial, we can point to BILL KNOWLAND and say, "There is a United States Senator who is young, able, honest, courageous, intelligent, with the courage to stand up every time and fight openly for what he thinks is right and best for America. He has just proved that a man can be all these things in public office and still be re-elected. And our political system produced BILL KNOWLAND even though there have been Pendergasts and Tammany Halls." And that, friends, ought to be encouragement enough for every right-thinking man and woman to get busy in their communities, take part in political affairs, and try to get more public officials like BILL KNOWLAND in office.

Mr. HENDRICKSON. Mr. President, such a tribute should make us all proud to be Members of the Senate of the United States for the good and sufficient reason that we have the privilege of serving with a man of such distinction.

#### DISTRICT OF COLUMBIA CODE OF LAWS

The bill (H. R. 1758) to amend section 824 of the Code of Laws for the District of Columbia was announced as next in order.

Mr. HENDRICKSON. Mr. President, reserving the right to object—and I shall not object—I feel that the remainder of the bills on the calendar from Calendar 1974 through 2001 should be carefully explained. I do not like unnecessarily to prolong the call of the calendar, but these bills were reported only yesterday and we have not been able to get copies of the bills or the reports. I think under the circumstances it would not be wise to pass any of the remainder of the bills on the calendar without a thorough explanation.

The PRESIDING OFFICER. Is there objection to the consideration of House bill 1758?

Mr. HENDRICKSON. I ask for an explanation of the bill.

Mr. JOHNSTON of South Carolina. I should like to say that the Senate passed a similar bill and it was sent to the House. The House passed its own bill. The only change in the House bill is in the penalty provided, from \$50 to \$100. That is the only change which the House made.

Mr. HENDRICKSON. I thank the Senator.

Mr. McCARRAN. Mr. President, there is some confusion in the Chamber with respect to what is pending before the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of House bill 1758?

Mr. McCARRAN. As I understand, that is not the bill to which the Senator from South Carolina has addressed himself.

Mr. JOHNSTON of South Carolina. It is the bill to which I am referring. The bill came to the Senate from the House. I am talking about the House bill. I should like to see the House bill passed, instead of having the Senate bill enacted. The Senate passed a similar bill and it was sent to the House. The House did not act on the Senate bill. Instead, the House passed its own bill. They are identical bills, with the exception of the penalty provision.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill H. R. 1758 to amend section 824 of the Code of Laws for the District of Columbia was considered, ordered to a third reading, read the third time, and passed.

#### CHIEF JOSEPH DAM IRRIGATION WORKS

The Senate proceeded to consider the bill (S. 2320) to provide the basis for authorization of irrigation works in connection with Chief Joseph Dam, to provide for financial assistance thereto from power revenues, and for other purposes was announced as next in order.

Mr. DWORSHAK. Mr. President, reserving the right to object, a few minutes ago the senior Senator from Washington [Mr. MAGNUSON] objected to Calendar No. 1777, H. R. 2470, granting the consent of Congress to the States of Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming to negotiate and enter into a compact for the disposition, allocation, diversion, and apportionment of the waters of the Columbia River and its tributaries, and for other purposes. I am compelled to object to the pending bill because it is a parallel bill to the bill to which the senior Senator from Washington objected.

The pending bill applies to Chief Joseph Dam on the Columbia River, and it would authorize the Secretary of the Interior to proceed with a study of the use of the water stored in Chief Joseph Dam for reclamation purposes. The bill (H. R. 2470) which was objected to a few minutes ago seeks to do the same thing on a five-State basis. I believe that the five States which are involved in H. R.

2470, which seek to enter into a compact for the maximum use of the water resources in the Columbia River Basin, might object to any local dam such as is proposed in the pending bill, because it could interfere with the over-all basin pattern of development.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. DWORSHAK. I yield.

Mr. MAGNUSON. Does the Senator object to the bill, or does he object to me?

Mr. DWORSHAK. I am objecting on principle. The principle involved in the pending bill is comparable to the principle involved in the bill to which the Senator objected. The bill to which the Senator objected applies to the five States in the Columbia River Basin.

Mr. MAGNUSON. Will the Senator from Idaho yield further?

Mr. DWORSHAK. I yield.

Mr. MAGNUSON. The Senator knows that I stated very frankly to the Senate why I thought H. R. 4197 should go over. I had the courtesy to talk to the Senator from Idaho about it, and I told him the reason for my objection. I said I would be glad to have the bill go over while we were trying to make telephone calls to the people who thought they should be heard, because there were no hearings on the bill. It is an entirely different matter than the pending bill. If the Senator from Idaho wishes to retaliate by objecting to this little bill, he can do so.

Mr. DWORSHAK. The Senator from Idaho is not retaliating. He is presenting the facts. The five States involved are entitled to the same consideration to which a local project in the Columbia River Basin is entitled. Upon that basis, Mr. President, I do object to the consideration of the bill.

Mr. CAIN. Mr. President, will the Senator yield?

Mr. DWORSHAK. I yield.

Mr. CAIN. Mr. President, this matter may not be of concern to some of our colleagues. Certainly both measures to which the Senator from Idaho has made reference are imperatively important to the States within the Pacific Northwest, particularly to the State of Washington. The senior Senator from Oregon [Mr. CORDON], is a member of the Committee on Interior and Insular Affairs, which reported H. R. 2470, the compact bill. He was one of the three Senators on the subcommittee which reported the bill which has been discussed by the Senator from Idaho. If the Senator from Oregon were to agree, I would deeply appreciate his stating his attitude and making his observations concerning the problem presented before us. Would the senior Senator from Oregon indicate whether both bills are deserving of being passed at this time, whether there is a preference between the bills, or whether one should be passed and the other postponed?

Mr. CORDON. I have none of the attributes of Solomon, but inasmuch as my opinion has been requested, I shall give it for what it is worth.

The same principle runs through both bills. The purpose of the compact is to



give equitable division to the affected States of the use of the water in the State through which the water flows from the point of origin to the time it meets the sea. The bill with respect to Chief Joseph Dam provides for a special use of the water; that is, it has its origin in Wyoming, Montana, and Idaho, and its use would be in the State of Washington. It seems to me that the same principle applies in both bills, and both should be passed or both should fail of passage, as I see it.

Mr. DWORSHAK. I thank the Senator from Oregon. I object.

Mr. MAGNUSON. Mr. President, will the Senator from Idaho withhold his objection so that I may make a statement?

Mr. DWORSHAK. I reserve my objection.

Mr. MAGNUSON. The Senator from Oregon is quite right in stating that the general aspects of both bills are the same. One bill gives the consent of Congress for the States to negotiate and enter into a compact for the allocation of the waters of the Columbia River Basin. I stated very clearly, in connection with H. R. 2470, that I wanted the bill to go over by request. I made that statement.

I think the RECORD will also show that I went to the senior Senator from Idaho and to my colleague, the Senator from Washington [Mr. CAIN]. The Senator from Oregon did not happen to be on the floor at that time. I told those Senators exactly what organizations think a hearing should be had on this very important matter, which involves the waters of five States. They said that no hearings had been held in either the House or the Senate committees.

I said that personally I think the bill is all right, and that we are trying to find out whether we can reach an agreement. I said I shall be glad to have the bill placed at the foot of the calendar.

I suggested to both those Senators, personally, a minor amendment to the bill.

Now along comes another little bill; and I suppose the fact that it bears my name and involves the same matter, is the explanation of the objection. The objection probably is as valid to the one bill as to the other.

I was hoping that because I was trying to work out an agreement, the bill would be placed at the foot of the calendar so that an agreement could be reached.

I am perfectly willing to say that the Senator from Oregon is quite correct.

I wish to place in the RECORD, not necessarily the technical objection to the compact, but at least the views of some persons in regard to whether we should enter into this matter without hearings.

I suggested a very innocuous amendment which I thought would satisfy everyone, and I also went to the Senator from Wyoming.

Mr. CAIN. Mr. President, will my colleague yield for a question?

Mr. MAGNUSON. Yes, I yield to my colleague.

Mr. CAIN. May we not have a better opportunity to resolve this admittedly important question if we have both of the bills in question go to the foot of the calendar, to be considered later in the afternoon?

Mr. MAGNUSON. As a matter of fact, Mr. President, I was going to suggest that both bills be placed at the foot of the calendar, and then perhaps we can work out the matter.

My staff is trying to get in contact, by long-distance telephone, with these very important organizations in my State, which feel that they should consider the compact.

Mr. WELKER. Mr. President, directing my remarks to the senior Senator from Washington [Mr. MAGNUSON], let me say to him that I just came to the floor. I know nothing about the bill he has been discussing.

However, knowing the senior Senator from Washington as I do, I am quite convinced that he and I can go to the cloakroom and discuss this matter with the other Senators involved.

Therefore, I ask unanimous consent that both these bills be placed at the foot of the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXCHANGE OF LANDS IN OTTAWA NATIONAL FOREST, MICH.

The bill (H. R. 5055) to authorize the exchange of certain lands of the United States situated in Ontonagon County, Mich., for lands within the Ottawa National Forest, Mich., and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

#### TRUCK CROP AND CITRUS INSECT LABORATORIES.

The bill (H. R. 7952) to authorize the combination of the Truck Crop Insect Laboratory and the Citrus Insect Laboratory of the Bureau of Entomology and Plant Quarantine, located at Alhambra and Whittier, Calif., respectively, and to provide for new quarters, was considered, ordered to a third reading, read the third time, and passed.

#### BURLEY TOBACCO ACREAGE ALLOTMENTS—BILL PASSED OVER

The bill (H. R. 8170) relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, may we have an explanation of the bill?

Mr. CLEMENTS. Mr. President, the senior Senator from Tennessee and the two Senators from Kentucky have been in conference in regard to House bill 8170. Those conferences will be continued.

I now ask unanimous consent that this bill be passed over without prejudice, subject to an early call of the calendar.

The PRESIDING OFFICER. Is the Senator from Kentucky referring to House bill 8170, Calendar 1978?

Mr. CLEMENTS. Yes.

The PRESIDING OFFICER. Does the Senator from Kentucky wish to have this bill placed at the foot of the calendar?

Mr. CLEMENTS. I wish it to be in such a position that it will be subject to early consideration, as of the next call of the calendar.

The PRESIDING OFFICER. Without objection, the bill be passed over, without prejudice.

#### CONSTRUCTION RESERVE FUNDS UNDER MERCHANT MARINE ACT

The resolution (S. J. Res. 166) to extend the time for the use of construction reserve funds established under section 511 of the Merchant Marine Act of 1936, as amended, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution? There is an identical House joint resolution, which could be substituted in lieu of the Senate resolution.

Mr. SCHOEPEL. May we have an explanation of the joint resolution?

Mr. MAGNUSON. Mr. President, the joint resolution would merely extend the time for the use of funds which have been deposited in the construction reserve fund. It extends the time for 1 year. Several shipping lines, that have sums in the United States Treasury deposited in the construction reserve fund, have been unable to use those funds for construction, for various reasons, such as the shortage of steel, and, sometimes, the inability to contract for the construction of a ship. They want to use these funds for construction, rather than to withdraw them. This joint resolution would merely extend the time for 1 year, so that, within the period through 1952, to March 31, 1953, they could still use the funds for ship construction.

Mr. SCHOEPEL. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield to the Senator from Kansas.

Mr. SCHOEPEL. Will the Senator indicate to the Senate whether there is any objection on the part of any Government agencies and if the action of the committee was unanimous?

Mr. MAGNUSON. The action of the committee was unanimous. I have the report of the agency which is particularly interested. Both reports are here. Neither the Department of Commerce nor the Bureau of the Budget opposed the resolution.

I may say further for the RECORD that we have had to take this kind of action twice for the simple reason that conditions following the war have been such that some of the shipping companies which have this money lying in the Treasury, for purposes of construction, have been unable, on account of material shortage, or for other reasons, to proceed with their original plans. I hope that it will be unnecessary to extend the time again. No harm is done.







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76. PRICE SUPPORTS. Passed with amendment H. R. 8122, to continue the existing dual parity formula for basic commodities through 1955, after substituting therefor the text of S. 2115, a similar bill, which had first been amended (by a McFarland-Chavez amendment) to provide price support for long staple cotton. S. 2115 does not contain the provision, which was in H. R. 8122 as passed by the House, to require 90%-of-parity supports on basic commodities. Conferees were appointed in both Houses. (pp. 9398-408, 9410-2, 9541, 9487.)
77. TOBACCO ALLOTMENTS. Passed without amendment H. R. 8170, to decrease the minimum farm acreage allotments for burley tobacco (pp. 9533-4). This bill will now be sent to the President.
78. SUBMARGINAL LAND. Passed with amendment H. R. 7317, authorizing conveyance of a tract of SCS submarginal land to Hope, N. Mex. The bill had been reported by the Agriculture and Forestry Committee without amendment (S. Rept. 2097). Agreed to a Morse amendment which changes the purchase price of the land from \$1,950 (the original price paid by USDA) to "the appraised fair-market value of the property". (pp. 9522, 9529, 9537-9.)
79. RECLAMATION. Reconsidered its action of July 3 in passing without amendment H. R. 6163, authorizing irrigation works in connection with Chief Joseph Dam, and repassed this bill with an amendment in the nature of a substitute comprising the text of S. 2320, a similar bill (pp. 9412-3).
80. VETERANS' BENEFITS. Both Houses agreed to the conference report on H. R. 7656, the GI Bill of Rights for veterans of the Korean conflict (pp. 9453-63, 9523). This bill will now be sent to the President.
81. WATER POLLUTION. Passed without amendment H. R. 6856, extending for 3 years the Water Pollution Control Act (p. 9528). This bill will now be sent to the President.
82. PERSONNEL. The Post Office and Civil Service Committee submitted reports relating to supervisory selection (S. Rept. 2100, incentive awards program (S. Rept. 2101), and the reduction-in-force system (S. Rept. 2102) in the Federal Government (p. 9582).
83. ELECTRIFICATION. Sen. O'Mahoney obtained permission to have printed as a S. Doc. a report on rural electrification in Wyo. (p. 9582).  
Sen. O'Mahoney spoke in favor of adopting the conference report on H. R. 7176, the Interior appropriation bill for 1953, and stated that the passage of this measure, which contains a \$1,000,000 continuing fund for the Southwestern Power Administration, will be a "milestone in the progress of rural electrification throughout...the southwestern area" (pp. 9542-3).
84. WITHHOLDING PAY. Agreed to the House amendment to S. 1999, authorizing and directing the Secretary of the Treasury to enter into agreements with States, Territories, possessions, or political subdivisions thereof, requiring Federal agencies to comply with non-federal statutes imposing upon employers the duty of withholding State and other income taxes (pp. 9397-8). This bill will now be sent to the President.
85. PATENTS. Passed as reported H. R. 7794, to revise and codify the patent laws (p. 9534).



86. BANKING AND CURRENCY. Sen. Malone spoke in favor of returning to the gold standard (pp. 9547-77).
87. NOMINATION of Raymond Ross Paty, to be a member of the TVA Board, was confirmed (p. 9419).
88. FARM LOANS; PRICE SUPPORTS. Sen. Moody inserted his report on various aspects of farm policy wherein he favored price supports but recommended that a system of "mutual price insurance" should be thoroughly explored as "one alternative," and that the expansion of FHA activities "could do a lot toward putting many low-income farmers on their feet" (pp. 9408-10).
89. FOREIGN AID; EXPENDITURES. Sen. Ken inserted a table showing per-capita cost of foreign aid in Mo. and spoke against high taxation and foreign expenditures (pp. 9413-5).
90. SUGAR. Ratified two protocols prolonging the international sugar agreement through Aug. 1952 (Exec. I and O, 82nd Cong.) in order to continue the administrative framework provided for in the agreement until a revision of it can be negotiated (pp. 9425-6).
91. AIR-POLLUTION RESEARCH. Discussed and passed over, on the objection of Sen. Welker, H. J. Res. 218, to provide for research on air pollution (pp. 9525-6).
92. ST. LAWRENCE WATERWAY. Discussed and passed over, on the objection of Sen. Welker, S. J. Res. 157, granting consent for certain States to enter into compacts with Canada for development of the St. Lawrence waterway (pp. 9526-7).
93. FARM LABOR. As received, S. Doc. 152 proposes a supplemental appropriation of \$2,000,000 for the Immigration and Naturalization Service, Justice Department, to aid in the recruitment program of agricultural workers from Mexico by preventing illegal entry of aliens (June 30).

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and H. R. 8528, by Rep. Miller of Calif.,

94. PERSONNEL. S. 3477, by Sen. Johnston, to provide severance pay to certain Federal officers and employees; to Post Office and Civil Service Committees (pp. 9390, 9517).

EXPENDITURES.

95. BUDGETING; S. 3482, by Sen. Ferguson, to establish a legislative bureau for the audit, analysis and review of Federal Government programs and projects for the purpose of making recommendations to the Congress with respect to the elimination of unnecessary, wasteful and extravagant activities and for returning to State and local governments or other agencies, public or private, those government functions which they can perform with greater economy and efficiency than the Federal Government; to Government Operations Committee (p. 9391). Remarks of author and text of bill (pp. 9442-4).

RECLAMATION.

96. ELECTRIFICATION; H. J. Res. 496, by Rep. Magee, authorizing an inquiry by FTC into certain practices and activities of private companies engaged in the production, distribution, or sale of electric energy in interstate commerce; to Interstate and Foreign Commerce Committee (p. 9517).

S. 3486, by Sen. Malone, to eliminate the requirement that certain preference be given with respect to the sublease of power privileges leased from the Interior Department; to Interior and Insular Affairs Committee (p. 9583).

S. 3487, by Sen. Malone, authorizing a dam on the Colorado River at Bridge Canyon; to Public Works Committee (p. 9583). Remarks of author and text of



measures to which objection was made, namely, Calendar No. 2003, House Joint Resolution 218, and Calendar No. 2005, Senate Joint Resolution 167.

Mr. SCHOEPPEL. Was that announcement made today or yesterday?

Mr. McFARLAND. I was just giving the notice. I stated that we might make a motion to proceed to the consideration of either or both of those measures tomorrow, not today. I feel that I should give notice. Certain Senators wished to have them brought up today, but I replied that the policy was to give notice.

Mr. BUTLER of Maryland. Mr. President, will the Senator yield?

Mr. McFARLAND. I yield.

Mr. BUTLER of Maryland. With respect to Calendar No. 2005, Senate Joint Resolution 167, does not the Senator realize that there have been no committee hearings? None of us knows what is in the joint resolution.

Mr. McFARLAND. Quite a number of Senators on both sides of the aisle are very anxious that the joint resolution should pass.

Mr. BUTLER of Maryland. Without any consideration by a committee?

Mr. McFARLAND. I think that, by and large, the majority of Senators understand the purpose of the joint resolution. I do not think it is necessary to have consideration by a committee. However, if the Senate wishes to do so it can vote the joint resolution down.

Mr. SCHOEPPEL. Mr. President, will the Senator yield?

Mr. McFARLAND. I yield.

Mr. SCHOEPPEL. I should like to make a further brief observation. I merely wish to reflect the sentiments of certain Senators who have spoken to me with reference to the calendar call today. Many Senators understood that this was to be the last calendar call. Obviously that is a matter which is in the jurisdiction of the majority leader. However, I may say that it has been indicated to me that if there is to be another call of the calendar certain Senators wish to be advised about it today. If there is to be a call of the calendar tomorrow they will insist upon a tight quorum call being not only requested but assured on the floor. I think I should make that statement in deference to Senators who have requested me to take certain action.

Mr. McFARLAND. That is perfectly all right. I am sorry I did not consult the Senator from Kansas. I told the Senator from New Jersey [Mr. HENDRICKSON] that we might have a further call of the calendar, because some small House bills might come over. The call of the calendar today has been as much to accommodate Senators on the other side of the aisle as Senators on this side. That is the reason I am giving notice. We are not trying to take advantage of anyone. I think Senators should have full opportunity to be present when there is a call of the calendar.

Mr. SCHOEPPEL. I hope the majority leader will understand that I was merely reflecting the sentiments which had been expressed to me. The Senator from Kansas always tries to be present

when there is a call of the calendar; and I feel constrained to keep faith with Senators who have spoken to me on the subject.

Mr. McFARLAND. I understand. The Senator from Kansas has been very cooperative.

#### MARIA GRAZIA MARANTO

The PRESIDING OFFICER. The Chair advises the Senator from Arizona that there is one more bill on the desk which has been favorably reported by the Senate Committee on the Judiciary.

The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 7645) for the relief of Maria Grazia Maranto.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

#### EQUALITY OF GRADE, ETC., BETWEEN CHIEF MEDICAL OFFICER OF THE COAST GUARD AND COMPARABLE OFFICERS OF THE ARMY

Mr. McCARRAN. Mr. President, some time ago I objected to a bill which would have granted increased rank, pay, and allowances to the Chief Medical Officer of the Coast Guard. I wanted to obtain an explanation of the bill. My understanding is that all the health officers in the services have a certain rank pursuant to statute. Am I correctly advised in that regard?

Mr. LEHMAN. That is correct.

Mr. McCARRAN. As I understand, this is the only Chief Medical Officer who has not been given an advanced rank.

Mr. HUNT. And a comparable level of responsibility.

Mr. McCARRAN. I withdraw my objection.

Mr. LEHMAN. I thank the Senator. The PRESIDING OFFICER laid before the Senate the bill (H. R. 7722) to amend the Public Health Service Act so as to provide for equality of grade, pay, and allowance between the Chief Medical Officer of the Coast Guard and comparable officers of the Army, which was read twice by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

#### BURLEY TOBACCO ACREAGE ALLOTMENTS

Mr. McFARLAND. Mr. President, I move that the Senate proceed to the consideration of Calendar 1978, House bill 8170, which is one of the bills with respect to which I have previously given notice.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 8170) relating to burley-tobacco farm-

acreage allotments under the Agricultural Adjustment Act of 1938, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

Mr. SCHOEPPEL. Mr. President, may we have an explanation of the bill?

The PRESIDING OFFICER. This is a motion to proceed to the consideration of the bill. Does the Senator wish an explanation at this time?

Mr. SCHOEPPEL. No. I apologize.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. CLEMENTS. Mr. President, this is a measure which was on the calendar yesterday, and it was passed over without prejudice. At that time it was stated that the Senator from Tennessee [Mr. McKELLAR] and the two Senators from Kentucky [Mr. CLEMENTS and Mr. UNDERWOOD] were considering the subject.

I will say to the Senator from Kansas, as well as to other Members of this body, that this measure is approved by the Department of Agriculture. It is unanimously approved by the Committee on Agriculture of the House and the Committee on Agriculture and Forestry of the Senate. It passed the House without objection. It affects the acreage allotments of burley tobacco only.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. McCARRAN. Mr. President, I think this is the most disorderly and improper way to enact legislation I have seen in the 20 years I have been in the Senate. We are crowding through a great many bills in the last minutes of the last session of the Eighty-second Congress. Many of the bills we know nothing about; few of them have been properly considered by committees.

The Judiciary Committee works for weeks on some of the bills which today we are passing in a few minutes. It is just not right. I do not like to object. When a Senator wishes to have a bill passed in which he is personally interested, another Senator dislikes to object. I withdrew my objection to a bill a few minutes ago. However, I will say that there was never a more disorderly way of enacting legislation. Some day we will enact legislation for which we will be sorry later, if we proceed with this kind of program.

Mr. McFARLAND. I should like to say to my good friend from Nevada that the bills which are being called up all were the subject of notice to Members. Notice was given that they would be taken up, and they are on the calendar.

Mr. McCARRAN. I am not speaking about bills which the Senator from Arizona is now bringing up, notice as to which has been given. I am speaking about some bills which were passed in the last half hour. I will be frank to say that some of them came from my own committee.



Mr. McFARLAND. Mr. President, the Senator from Nevada could have objected to the consideration of any of the bills.

#### AMENDMENT OF THE CIVIL AERONAUTICS ACT OF 1938

Mr. McFARLAND. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1514, S. 2592.

The PRESIDING OFFICER. The clerk will state the bill by title.

The LEGISLATIVE CLERK. A bill (S. 2592) to amend section 403 (b) of the Civil Aeronautics Act of 1938 so as to permit the granting of free or reduced-rate transportation to ministers of religion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. HUMPHREY. Mr. President, may I inquire as to the nature of the bill?

Mr. McFARLAND. The bill would permit—and I will say that its provisions are not mandatory—granting by airlines of reduced rates to ministers. The same privilege is granted to ministers by the railroads. The bill was unanimously reported by the Committee on Interstate and Foreign Commerce.

Mr. HUMPHREY. I thank the majority leader for bringing up the bill. I think it is a very fine bill.

Mr. FERGUSON. Mr. President, am I to understand that the bill would do no more than to allow airlines, if they desired, to grant a reduced rate to ministers of religion?

Mr. McFARLAND. That is correct.

Mr. FERGUSON. What rate could airlines give? Could they carry ministers of religion free?

Mr. CAPEHART. Mr. President, if I may explain the bill, it would give airlines the same right which railroads have had for a hundred years. It would permit airlines to sell tickets to ministers of religion at half fare.

Mr. FERGUSON. That is what I want to know. It provides that ministers of religion could be carried for half fare?

Mr. CAPEHART. That is correct.

Mr. FERGUSON. There are no compulsory features about it?

Mr. CAPEHART. No. If the airlines wanted to do it today they could not do it. Legislation is required to give them the right to sell half-fare tickets to ministers of religion.

Mr. FERGUSON. If one airline, flying to New York City, for example, allowed the half-fare privilege, would all the other airlines be forced to allow the same privilege?

Mr. CAPEHART. No.

Mr. FERGUSON. It would not be considered unfair competition?

Mr. CAPEHART. No.

Mr. FERGUSON. It is purely a permissive provision?

Mr. CAPEHART. That is correct. It grants no other right than the one which railroads have been enjoying for a hundred years.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### REVISION AND CODIFICATION OF LAWS RELATING TO PATENTS

Mr. McFARLAND. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1908, H. R. 7794.

The PRESIDING OFFICER. The clerk will state the bill by title.

The LEGISLATIVE CLERK. A bill (H. R. 7794) to revise and codify the laws relating to patents and the Patent Office, and to enact into law title 35 of the United States Code entitled "Patents."

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments on page 9, line 9, to strike out the word "or" and insert the word "on"; on page 29, in subsection 282 (1), to strike out the word "or" between the words "infringement" and "absence"; to strike out the comma at the end of the line after the word "infringement" and add the words "or unenforceability"; and on the same page, in the first line of section 284, to strike out the words "Upon adjudging a patent valid and infringed," and insert in lieu thereof the words "Upon finding for the claimant".

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. SALTONSTALL. Mr. President, will the Senator from Nevada tell us the purpose of the bill?

Mr. McCARRAN. The bill would codify the patent laws of the United States. It is under the able guidance of the Senator from Wisconsin [Mr. WILEY].

Mr. SALTONSTALL. I am not a patent lawyer, but I know patents are a very technical subject. Does the bill change the law in any way or only codify the present patent laws.

Mr. McCARRAN. It codifies the present patent laws. It passed the House, and it was approved by the Judiciary Committee of the Senate.

Mr. HENDRICKSON. Mr. President, as I recall, it was approved by the Judiciary Committee unanimously.

Mr. McCARRAN. I think the Senator from New Jersey is correct.

Mr. President, I ask unanimous consent that a statement prepared by me may be inserted in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

#### STATEMENT BY SENATOR McCARRAN

This legislation is another step in codification of the United States Code and will enact into law title 35 of the United States Code entitled "Patents." This legislation has been in the process of study and consideration for a number of years. It has passed the House and has reached the Senate after lengthy hearings on the House side. The bill

has the general approval of all parties concerned and represents a step forward in the codification of our laws, for it brings together in one package all of the laws relating to patents that were contained in the revised statutes of 1874 down to the present time. The bill is divided into three categories, the first being entitled the "Patent Office" and deals with its functions; part 2 is titled the "Patentability of Inventions and Grant of Powers," and part 3 is titled "Patents and Protection of Patent Rights." Into these three categories the existing laws relating to patents have been codified. In view of decisions of the Supreme Court and others as well as trial by practice and error there have been some changes in the law of patents as it now exists and some new terminology used. All these matters, as stated before, have been carefully gone over in hearings and the bill as it is now presented to the Senate represents, in the opinion of the committee, legislation of merit. The committee therefore recommends that this legislation be speedily passed.

The Senate amendments are primarily technical. The addition of the words "or unenforceability"—this is the subject matter of the committee amendment No. 3—will place in the code this word which has been used in numerous court decisions under the section in question.

The change in language proposed in committee amendment No. 4 is for the purpose of avoiding a possible construction that judgment must be entered by a court even in a case where a patent is found unenforceable. This will preserve the present rule of law in this regard.

The question as to whether part I of H. R. 7794 should have been properly codified in title 35 rather than title 5 dealing with executive agencies was discussed in the House Codification Committee and brought up in the study of the bill in the subcommittee of the Judiciary Committee of the Senate.

Inasmuch as title 5 has not been codified and the patent office is the proper agency for handling both patents and trade-marks, it is considered that part I is properly in H. R. 7794 at this time.

If it is desired to transfer the patent office to title 5 which deals with executive agencies, that matter could be properly taken care of when title 5 is offered for codification. It would seem that to leave the setting up of the patent office out of title 35 at this time would be to leave a portion of the patent law uncoded.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

#### FRED P. HINES—VETO MESSAGE

Mr. LANGER. Mr. President, I move that the Senate proceed to reconsider the bill (S. 827) for the relief of Fred P. Hines, the objections of the President of the United States to the contrary notwithstanding.

The PRESIDING OFFICER (Mr. HILL in the chair) laid before the Senate the bill (S. 827) for the relief of Fred P. Hines, and the message from the President vetoing the bill.

(For the veto message see the CONGRESSIONAL RECORD of August 30, 1951).

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Dakota.







Public Law 528 - 82d Congress  
Chapter 709 - 2d Session  
H. R. 8170

AN ACT

All 66 Stat. 597.

Relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding any other provision of law, the farm acreage allotment for burley tobacco for any year shall not be less than the smallest of (1) the allotment established for the farm for the immediately preceding year, (2) seven-tenths of an acre, or (3) 25 per centum of the cropland: *Provided, however,* That no allotment of one acre or less shall be reduced more than one-tenth of an acre in any one year. The additional acreage required under this Act shall be in addition to the State acreage allotments and the production on such acreage shall be in addition to the national marketing quota. This provision shall be effective for 1953 and subsequent crops.

Burley tobacco  
acreage allot-  
ments.

Approved July 12, 1952.



